

# Special Council Meeting

Agenda for Monday 27 August 2012



**shire of  
kalamunda**

## NOTICE OF MEETING SPECIAL COUNCIL MEETING

Dear Councillors

Notice is hereby given that a Special Meeting of Council will be held in the Council Chambers, Administration Centre, 2 Railway Road, Kalamunda on **Monday 27 August 2012 at 6.30pm.**



James Trail  
**Chief Executive Officer**  
22 August 2012

### Our Vision, Mission and Organisational Values

#### Vision

The Shire will have a diversity of lifestyles and people. It will take pride in caring for the natural, social, cultural and built environments and provide opportunities for people of all ages.

#### Mission

Working together to provide effective and efficient leadership and services our whole community.

#### Organisational Values

The organisational values of the Shire of Kalamunda assist in driving the behaviour of staff in implementing our strategic plan:

- **Customer Service Focus** – Deliver consistent excellent customer service through being timely and courteous.
- **Innovation** – Pursue excellence through innovative improvements.
- **Leadership** – Provide responsive leadership and excellent governance demonstrating high standards of ethical behaviour.
- **Mutual Respect** – Value each other's differences and demonstrate mutual respect.
- **Trust** – Communicate and collaborate openly and with integrity generating a strong culture of trust.



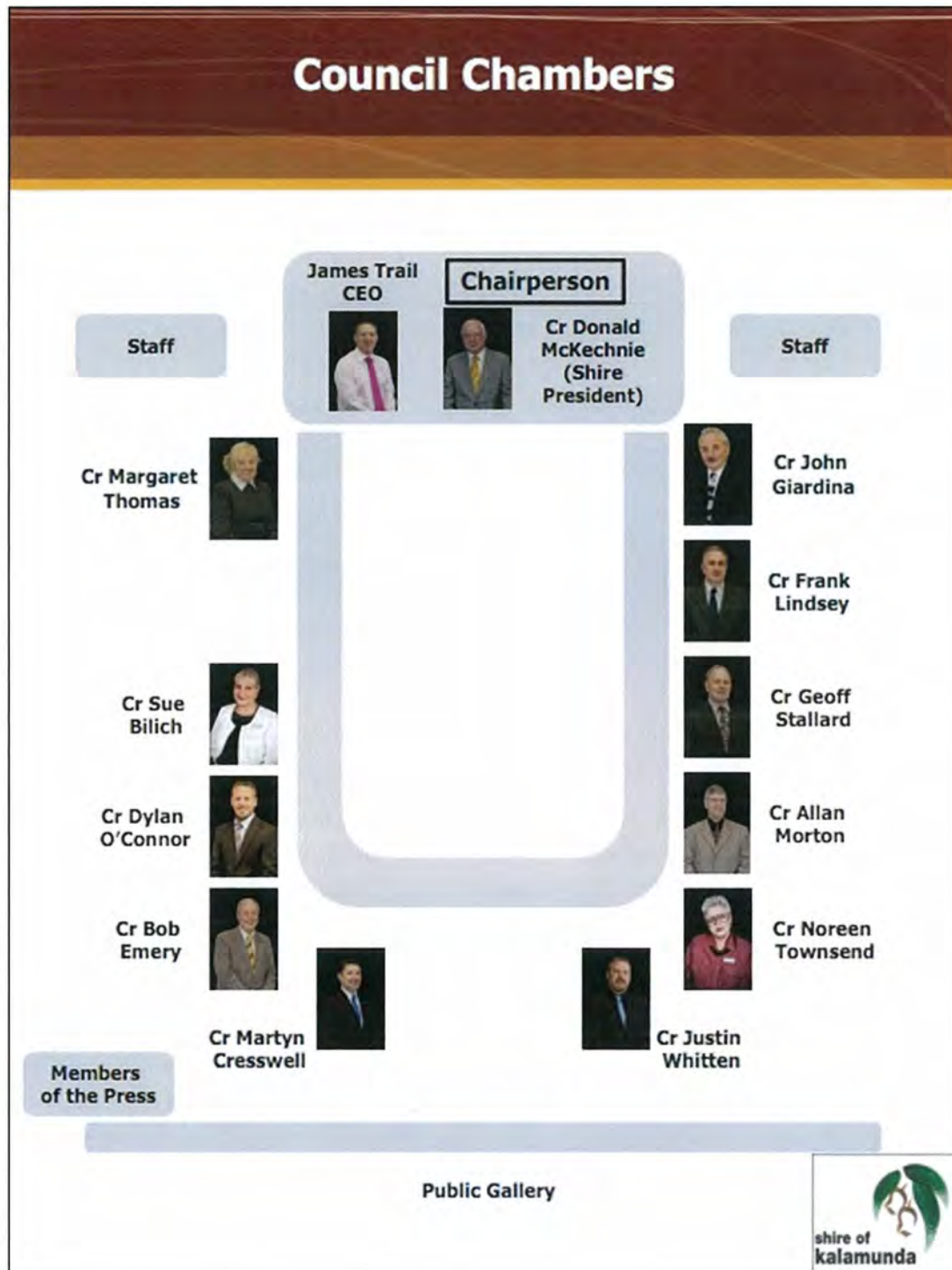


## INFORMATION FOR THE PUBLIC ATTENDING COUNCIL MEETINGS

Welcome to this evening's meeting. The following information is provided on the meeting and matters which may affect members of the public.

If you have any queries related to procedural matters, please contact a member of staff.

### Council Chambers – Seating Layout



## **Special Council Meetings – Procedures**

1. All Council Meetings are open to the public, except for Confidential Items listed on the Agenda.
2. Members of the public who are unfamiliar with meeting proceedings are invited to seek advice prior to the meeting from a Shire Staff Member.
3. Members of the public are able to ask questions at a Special Council Meeting during Public Question Time on matters relating to the functions of this meeting.
4. To facilitate the smooth running of the meeting, silence is to be observed in the public gallery at all times except for Public Question Time.
5. All other arrangements are in general accordance with Council's Standing Orders, the Policies and decision of the Shire or Council.

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## **AGENDA**

### **1.0 OFFICIAL OPENING**

### **2.0 ATTENDANCE, APOLOGIES AND LEAVE OF ABSENCE PREVIOUSLY APPROVED**

### **3.0 PUBLIC QUESTION TIME**

A period of not less than 15 minutes is provided to allow questions from the gallery on matters relating to the functions of this meeting. For the purposes of Minuting, these questions and answers are summarised.

### **4.0 MATTERS FOR WHICH MEETING MAY BE CLOSED**

#### **4.1 6.4 CONFIDENTIAL REPORT Development and Disposal Proposal – 88 (Lot 106) Hale Road, Forrestfield**

Reason for Confidentiality: *Local Government Act 1995 S5.23(2)(c) – " a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."*

### **5.0 DISCLOSURE OF INTERESTS**

#### **5.1 Disclosure of Financial and Proximity Interests**

- a. Members must disclose the nature of their interest in matters to be discussed at the meeting. (Sections 5.60B and 5.65 of the *Local Government Act 1995*.)
- b. Employees must disclose the nature of their interest in reports or advice when giving the report or advice to the meeting. (Sections 5.70 and 5.71 of the *Local Government Act 1995*.)

#### **5.2 Disclosure of Interest Affecting Impartiality**

- a. Members and staff must disclose their interest in matters to be discussed at the meeting in respect of which the member or employee had given or will give advice.

### **6.0 REPORTS TO COUNCIL**

Please Note: declaration of financial/conflict of interests to be recorded prior to dealing with each item.

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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**6.1 Forrestfield/High Wycombe Industrial Area Design Guidelines**

Previous Items	OCM/10.4.4- 2012
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure
File Reference	PG-STU-014
Applicant	N/A
Owner	Various owners
Attachment 1	Locality Plan
Attachment 2	Design Guidelines Area
Attachment 3	Design guidelines draft document
Attachment 4	Submission Table

**PURPOSE**

1. To consider adopting the Draft Design Guidelines for Forrestfield/High Wycombe Industrial Area. Refer (Attachment 1) for Locality Plan.

**BACKGROUND**

2. Land bounded by Roe Highway, Berkshire Road, Maida Vale Road, Sultana Road West, Milner Road and Dundas Road has been identified as a future industrial development area, due to its location adjacent to Perth Airport, Forrestfield Marshalling Yards/Container Depot and the key freight routes of Roe Highway, Dundas Road, Abernethy Road and Tonkin Highway. Refer (Attachment 1), Stages 1, 2 and 3 of the Forrestfield/High Wycombe Industrial Area.
3. A portion of the land bounded by Milner Road, Sultana Road West and Dundas Road is already zoned Light Industry.
4. Both areas are subject to the proposed Draft Design Guidelines. Refer (Attachment 2) Design Guidelines Area.
5. Council, at the Ordinary Council Meeting on 19 December 2011, endorsed the Draft Design Guidelines for the purpose of public consultation.

**DETAILS**

6. The objective of the Draft Design Guidelines is to allow the Shire of Kalamunda to oversee the development of a high standard, attractive, functional and sustainable industrial area, which will attract a range of businesses eager to locate within the area, offering ease of access to both customers and suppliers.
7. The Draft Design Guidelines will provide clear and readily understandable criteria aimed at ensuring a consistently high standard of development is achieved. New development should result in a pleasant working environment, attractive streetscapes and contribute to the protection of value in business investment within the area.

8. A separate report, proposing to amend the zoning table of the Local Planning Scheme No.3 in order to specify appropriate land uses in the Industrial Development zone has been prepared and will be submitted for Council's consideration.

### **STATUTORY AND LEGAL IMPLICATIONS**

9. Clause 6.4 of Local Planning Scheme No.3 specifies the process for adoption of Design Guidelines for development areas as identified under the Clause 2.2 of the Scheme.
10. Clause 2.2 of the Scheme outlines provisions for adoption of Local Planning Policies.
11. Where the Design Guidelines provisions are inconsistent with the Scheme, if adopted by the Council, they will become the subject of a separate Scheme amendment.

### **POLICY IMPLICATIONS**

12. Nil.

### **PUBLIC CONSULTATION/COMMUNICATION**

13. In accordance with Clause 2.4 of the Scheme, the Draft Design Guidelines were advertised by notice in the local paper for two consecutive weeks and copies of the document were provided for inspection in the Shire offices and local libraries. Public consultation started on 19 January 2012 and concluded on 16 February 2012.
14. Seven submissions were received, commenting on the various issues addressed in the document. Refer (Attachment 3) - Submission Table.
15. Main issues raised by the submitters were:
  - Landscaping requirements are too great- they should be reduced.
  - There should be general industry over at least part of the area.
  - Minimum lot sizes should be 500sqm to 1000sqm, that would encourage small business owners and generate more employment in the Shire.
  - The Guidelines will not be effective unless they are made as a policy.
  - New businesses that have sprung up in the area should be bound by the Guidelines, retrospectively.
  - Community consultation should be held regarding further planning.
  - The plan missed the opportunity to interconnect the habitat.
  - The Guidelines should include cycle ways along the roads.
  - The development should be put on hold until the infrastructure is in place.
  - Existing roads are not suitable for industrial traffic.
  - Drainage upgrade and treatment should be addressed.



## **FINANCIAL IMPLICATIONS**

16. Costs associated with the preparation and advertising of the Draft Design Guidelines were provided for in the Development Services Budget.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

17. The Forrestfield/ High Wycombe Industrial Area was identified in the *Kewdale-Hazelmere Integrated Masterplan* as one of the key precincts suitable for significant freight related industries.
18. The Forrestfield/High Wycombe Industrial Area development is identified as one of the key strategic issues in the Shire's draft *Local Planning Strategy* that is currently with the WA Planning Commission for endorsement.
19. The Forrestfield/High Wycombe Industrial Area has been included as a priority key short term (developed in 0-4 years) non-heavy industrial site in the recently released Economic and Employment Lands Strategy: non-heavy industrial.

### **Sustainability Implications**

#### Social Implications

20. Adoption of Draft Design Guidelines will allow the Shire the means to ensure that the working environment, external as well as on individual sites is pleasant, attractive and safe, thus creating spaces for quality social interaction.

#### Economic Implications

21. The Draft Design Guidelines aim is to provide attractive streetscapes and high quality development thus ensuring business investment is protected in the area.
22. Successful industrial development in the Forrestfield/High Wycombe area will provide employment opportunities for the local population.

#### Environmental Implications

23. The Draft Design Guidelines include principles, guidelines and mandatory requirements relating to environmental management of the area.

## **OFFICER COMMENT**

24. The Draft Design Guidelines need to be viewed as one of a number of planning documents that have been prepared to guide the development of the Forrestfield/High Wycombe Industrial Area. The focus of the Draft Design Guidelines is to ensure a quality built form outcome complimented with landscaping of a high standard to ensure the industrial area is a sought after location. Accordingly the Draft Design Guidelines will not capture some of

drainage, transport and environmental design elements raised in some of the submissions. These elements will however either been addressed through the Structure Plan process for Stage 1 or will be in the structure plan for Stages 2 and 3 when prepared.

25. Reference to the Kewdale Hazelmere Integrated Master Plan is acknowledged; however the strategic planning document was adopted in 2006 and has now been superseded by the WA Planning Commission's new key strategic industrial planning document *Economic and Employment Lands Strategy: non-heavy industrial 2012*. The strategy document identifies all three stages of the Forrestfield/High Wycombe industrial Area as a key priority strategic industrial site.
26. In respect to comments raised regarding landscaping, it is recommended that the proposed 8m landscaping requirement to all roads with the exception of Sultana Road West be amended to 6m. Council has previously adopted this requirement in endorsing the Structure Plan for Stage 1. The proposed 6m is considered sufficient to ensure a high quality, attractive and sustainable landscape area. It is also recommended that the 15m landscape treatment to Sultana Road West be reduced to 8m as this is considered sufficient to ensure an appropriate landscape buffer to landowners to the north of the road.
27. In respect to Part 9 of the Draft Design Guidelines, all existing and proposed reserves in the industrial area will be afforded the appropriate level of protection with new fencing treatment for the section of reserve fronting proposed or existing roads. For the section of reserves fronting privately owned land, security fencing will be required as part of the development application process. On this basis it is recommended that Part 9 be deleted from the Draft Design Guidelines.
28. The proposed Draft Design Guidelines contain recommendations that will necessitate amendments to Local Planning Scheme No. 3. A Scheme amendment to this effect will be submitted to the September round of Council meetings for approval.
29. It is therefore recommended that the Council endorsed the Draft Design Guidelines for Forrestfield/High Wycombe Industrial Area.

## **OFFICER RECOMMENDATION**

<b>Voting Requirements: Simple Majority</b>
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That Council:

1. Endorses the Draft Design Guidelines for Forrestfield/High Wycombe Industrial Area subject to the following modifications:
  - a. All references to landscaping requirements be modified as follows:
    - six metre landscaping requirement to all roads with the exception of Sultana Road West which shall be eight metres.
  - b. Part 9 – Development Adjacent to other Protected Areas be deleted.

Moved:

Seconded:

Vote:

## Attachment 1

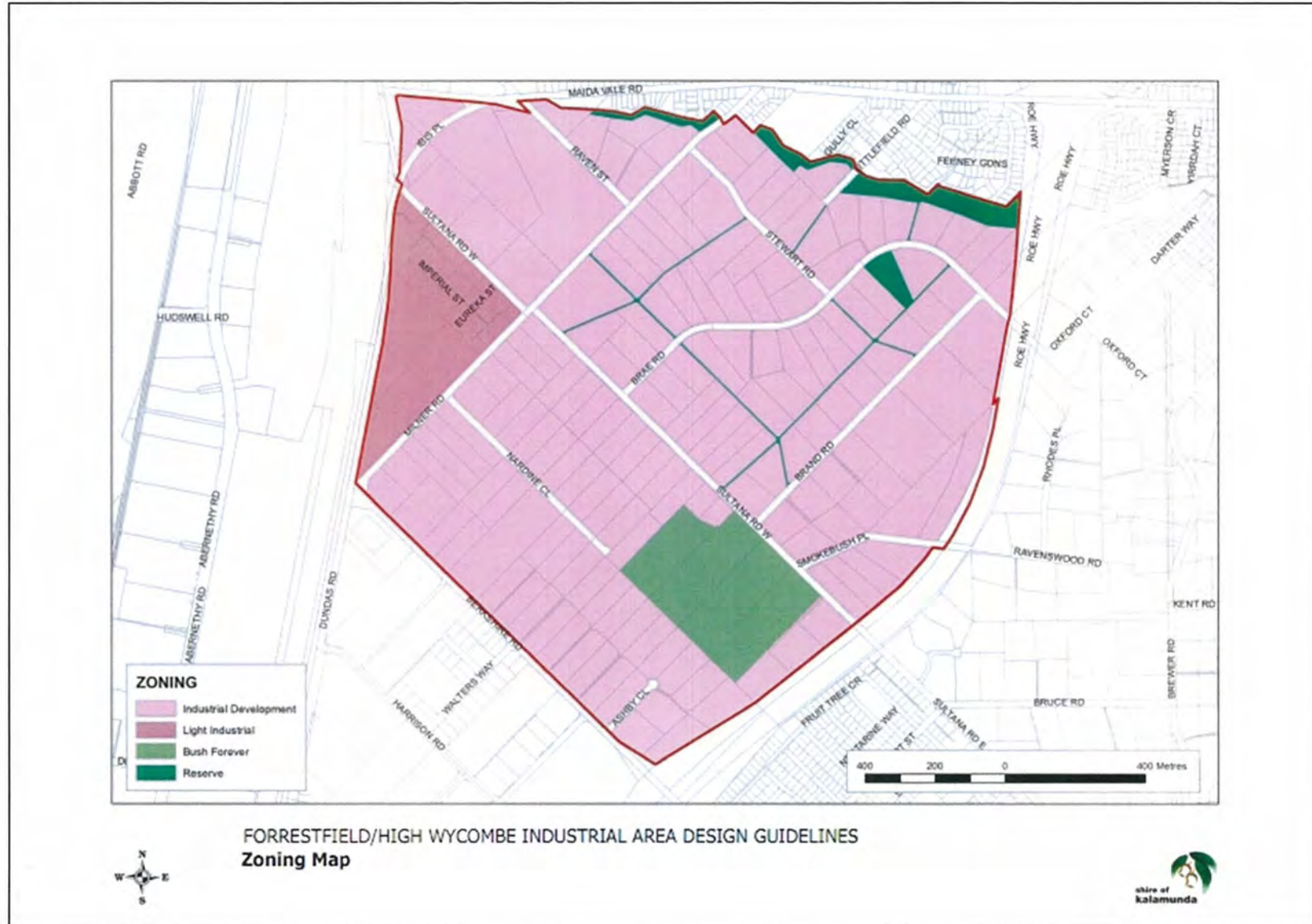


FORRESTFIELD/HIGH WYCOMBE INDUSTRIAL AREA DESIGN GUIDELINES  
**Locality Plan**






## Attachment 2



**Attachment 3**



SHIRE OF  
KALAMUNDA

24 OCT 2011

RECEIVED

FILE REF

*SHIRE LOGO*

LOCAL PLANNING SCHEME NO. 3

**LOCAL PLANNING POLICY No. xx**

**FORRESTFIELD/HIGH WYCOMBE  
INDUSTRIAL AREA DESIGN GUIDELINES**

*Draft  
October 2011*

This Policy has effect from <date>

This Policy shall be reviewed 12 months on from <date>



## LOCAL PLANNING SCHEME NO. 3

### LOCAL PLANNING POLICY No. XX

### FORRESTFIELD/HIGH WYCOMBE INDUSTRIAL AREA DESIGN GUIDELINES

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APPENDIX 2 – Landscape Plan & Reticulation Plan Requirements

## FORRESTFIELD/HIGH WYCOMBE INDUSTRIAL AREA DESIGN GUIDELINES

### 1.0 INTRODUCTION

#### 1.1 Background

The Policy Area has been identified under the "Kewdale Hazelmere Integrated Masterplan (2006)" as a future development area, due to its key strategic location adjacent to Perth Airport, Forrestfield Marshalling Yards/Container Depot, and the key road freight routes of Roe Highway, Dundas Road, Abernethy Road and Tonkin Highway.

The Policy Area was referenced in the WA State Government's key strategic planning documents "Directions 2031 and Beyond" and in the impending "Industrial Land Strategy".

Some of the land within the Policy Area has previously been the subject of rural residential-type development. The Shire acknowledges that the progressive development of the area for industrial land use activities may lead to some amenity implications for residents who wish to remain on their properties in the short-term. However, the Shire shall endeavour to minimise any potential problems through the development application assessment process.

It is apparent that industrial areas in many parts of the Perth metropolitan area have often reflected inadequate attention to building design, site layouts, appropriate land uses and site landscaping. This has resulted in industrial areas with rudimentary shed structures, often with offices, storage sheds and areas designed and arranged in a seemingly haphazard manner, with poor vehicle accessibility and parking arrangements, minimal landscaping, signage clutter, unsightly perimeter fencing and visually unattractive streetscapes. The Shire of Kalamunda is committed to ensuring this will not be the case in the new Forrestfield/High Wycombe Industrial Area.

Compliance with this Policy shall also ensure that new development is more efficient and sustainable in the use of energy, water and resources.

Irrespective of these Design Guidelines, all designs and building works shall at all times conform to all relevant Australian Standards and Building Codes.

#### 1.2 Vision/Statement of Intent *(To be confirmed/modified)*

The Shire of Kalamunda is firm in its resolve to oversee the development of a high standard, attractive, functional and sustainable industrial area, which will attract a range of businesses eager to locate within the area, offering ease of access to both customers and suppliers.

In addition to the usual industrial uses, the Shire will encourage the establishment of complementary and progressive industries such as research and development facilities.

The Design Guidelines contained within this Local Planning Policy aim to complement the attractiveness of the industrial area's geographic and strategic



location, and to encourage design features, construction quality and landscaping of a high standard which will ensure the Forrestfield/High Wycombe Industrial Area is a sought-after location for business relocation, and a prestigious industrial address.

The Shire of Kalamunda will insist upon a high standard of presentation and quality for new development in order to maintain the value of existing and future business investment throughout the Policy Area.

### 1.3 Policy Area

This Policy applies to all development of land zoned "Light Industry" and "Industrial Development" located within the area generally bounded by Dundas Road, Malda Vale Road, Poison Gully, Roe Highway and Berkshire Road, and defined more accurately by the area bordered in red and shown in **Figure 1** below. The areas of zoned land are illustrated in **Figure 2** over the page.



**FIGURE 1 – Policy Area**

(NOTE: The Stages identified on the map in Figure 1 above refer to the proposed order of development of those areas as described in the adopted Indicative Development Plan – see Figure 3.)

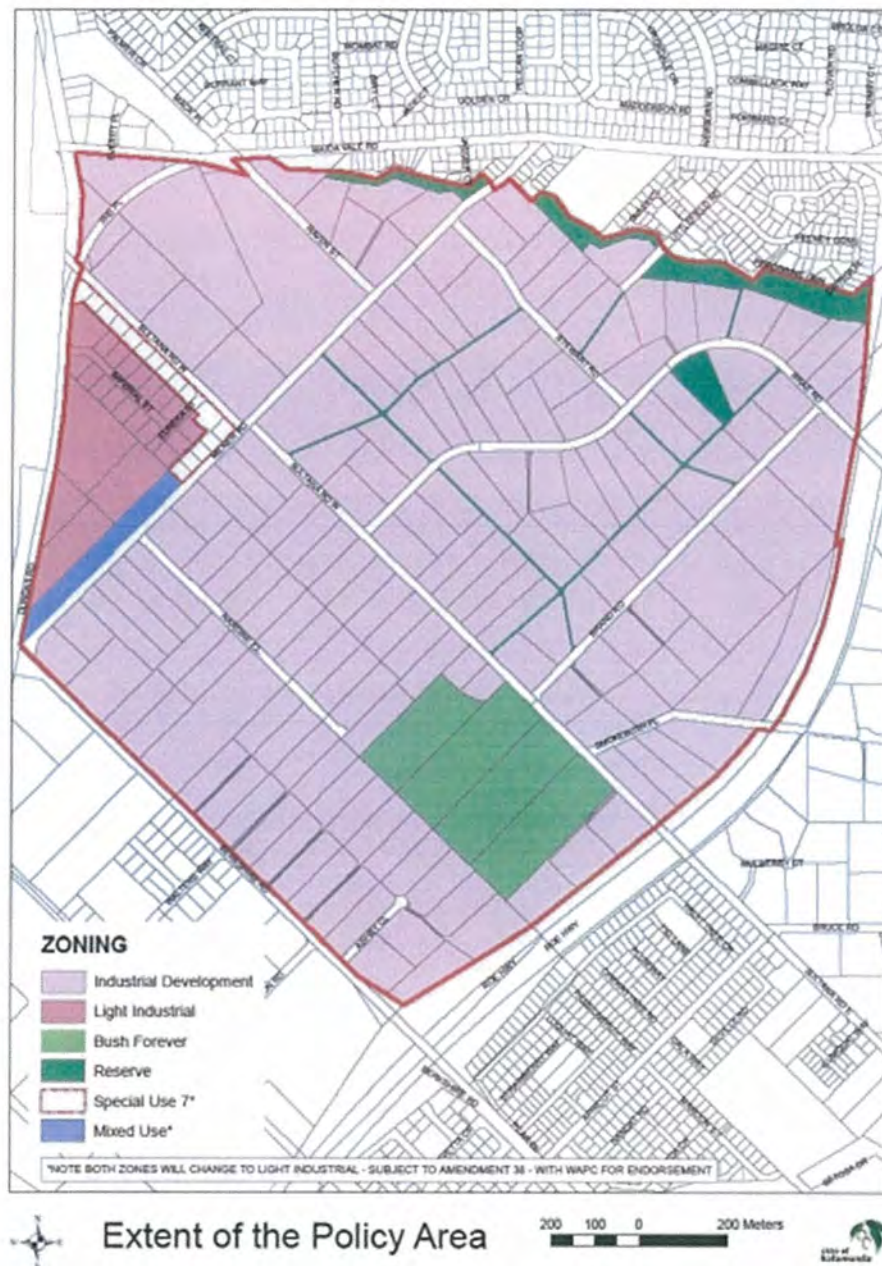


FIGURE 2 – Zoning Map



#### 1.4 Policy Purpose

The Forrestfield/High Wycombe Industrial Area Design Guidelines provide clear and readily understandable criteria aimed at ensuring a consistently high standard of development is achieved throughout the Policy Area. New development should result in a pleasant working environment, attractive streetscapes, and contribute to the protection of value in business investment within the area.

The Policy will also provide assistance to Shire of Kalamunda staff in assessing proposed developments.

The Policy contains principles, guidelines and some mandatory requirements relating to:

- Land use;
- Site development;
- Built form (including signage);
- Environmental management;
- Landscaping; and
- Site amenity.

The Policy also contains development application submission requirements, and detailed requirements for landscape plans.

#### 1.5 Policy Objectives

- To encourage attractive developments that are well designed, with functional and efficient buildings and site layouts;
- To ensure that industries are environmentally compatible with surrounding zones and activities;
- To promote the development of high quality, attractive and sustainable landscaped areas and streetscapes;
- To promote greater sustainability through energy and water-efficient building design and site development;
- To achieve water conservation through sustainable stormwater management, water-wise landscaping and water efficient reticulation;
- To minimise the impact of new industrial development on the environment and amenity of neighbouring residential properties;
- To minimise the impact of new industrial development on identified sensitive areas such as native bushland and waterways;
- To maintain the green open space linkages in the Stage 3 area;
- To avoid unsightly and poorly planned and maintained developments; and
- To maintain the value of existing and future business investment by insisting upon quality development throughout the Policy Area.

No new developments, nor the uses or processes carried out on-site, shall be permitted to adversely affect the amenity of the Policy Area or its immediate surrounds due to poor building or site appearance. The transportation or storage of materials and vehicles, the nature of the goods produced, emissions of waste products, noise, smells or smoke shall not be permitted to have an undue adverse impact on the amenity and environment of the locality.

### 1.6 Application of this Policy

This Policy is adopted under clause 2.2 of Local Planning Scheme No. 3. It is to be used in conjunction with the Shire's Local Planning Scheme No. 3, and other relevant planning policies and guidelines.

It shall also be used in conjunction with the Shire's adopted environmental health and engineering regulations, policies and practices.

## 2.0 DRAFT INDICATIVE DEVELOPMENT PLAN



FIGURE 3 – Draft Indicative Development Plan

The draft plan covers most of the Policy Area. The land coloured purple in Figure 3 above is to be zoned 'Industrial Development'. Note that this is a draft plan only, and subject to finalisation and adoption by the Shire of Kalamunda.

The draft plan includes the following elements:

- A subdivision pattern based on the existing and proposed road network;
- A conceptual lot layout that provides a variety of lot sizes in excess of 1.0 ha. (The final layout is intended to be very flexible, as several lots could be purchased and amalgamated according to the requirements of developers);
- An expanded network of environmental links between the Regional Reserve and the Poison Gully area. This includes the recreation area likely to be developed near Roe Highway; and



- Building setbacks and landscape strips in accordance with Local Planning Scheme requirements.

### 3.0 LAND USE

Land use within the Forrestfield/High Wycombe Industrial Area is governed by the Shire of Kalamunda Local Planning Scheme No. 3, Table 1.

The Shire of Kalamunda will endeavour to ensure compatibility of existing and planned land uses within the Policy Area. New developments must not unreasonably compromise or constrain future developments. It is preferred that new proposals will enhance existing and future developments.

### 4.0 SITE DEVELOPMENT

#### 4.1 Building Orientation

The primary building entrance and façade shall front onto the primary street.

Wherever possible, buildings should be orientated and designed to be energy-efficient, and to conserve non-renewable energy.

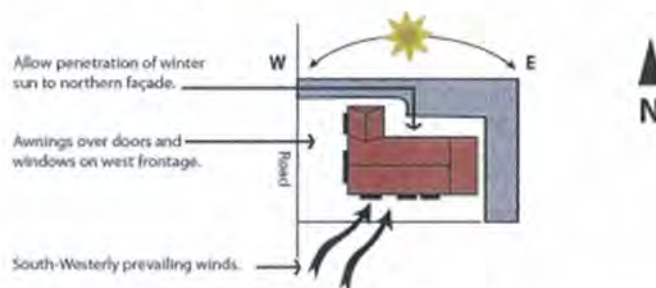


FIGURE 5 – Passive Solar Design Principles Applied to Building Orientation & Design

Passive solar design principles can include the following:

- Building orientation and wall openings should maximise exposure to the north and south;
- Building orientation and wall openings should maximise cross ventilation, especially cooling summer breezes from the south-west and south;
- The amount of walling and wall openings facing east and west should be minimised; or if this is not possible/practical, ensure adequate shading of the walls and wall openings; and
- Appropriate landscaping (trees, wall creepers, etc.) should be provided to create shade in summer, and to allow the penetration of winter sun.

#### 4.2 Site Coverage

Site coverage within the Forrestfield/High Wycombe Industrial Area is governed by the Shire of Kalamunda Local Planning Scheme No. 3. The maximum site coverage for buildings is 60% of the total site area.

#### 4.3 Plot Ratio

Plot ratio within the Forrestfield/High Wycombe Industrial Area is governed by the Shire of Kalamunda Local Planning Scheme No. 3. The maximum plot ratio of buildings to site area is 0.5:1.

#### 4.4 Building Layout & Setbacks

Building setbacks will be established which give consideration to:

- Adjoining properties, uses and buildings;
- The bulk and scale of new developments in relation to the bulk and scale of developments on adjoining sites;
- Fire appliance access;
- The general streetscape; and
- Solar aspect and prevailing winds.

The following minimum building setbacks shall apply to land within the areas marked "Stage 1", "Stage 2", and "Stage 3" on Figure 1 and zoned "Industrial Development":

Min. Setback from Main Street	Min. Setback from Minor Street	Min. Setback from Side Boundaries	Min. Setback from Rear Boundaries
20m	10m	At the discretion of Council *	At the discretion of Council *

**Note \*** Proponents of new developments are encouraged to set back buildings a minimum of 3m from both the side and rear boundaries to assist with natural light penetration and natural cross-flow ventilation.

Within the area marked "Light Industrial" on Figure 1, the minimum setbacks applicable to land zoned "Light Industry" in Local Planning Scheme No. 3 shall apply.

The land between the street alignment and the front of a building may be used for access, the daily parking of vehicles or landscaping.

**The setback area between the main building and any road must not be used for storage purposes, for loading or unloading vehicles, or for the parking of haulage or service vehicles, or for repairing and/or maintaining vehicles or items.**

The front entrance door of the main office/administration should be visually obvious, and have a clear and safe pedestrian accessway leading to it from the visitors' parking area.

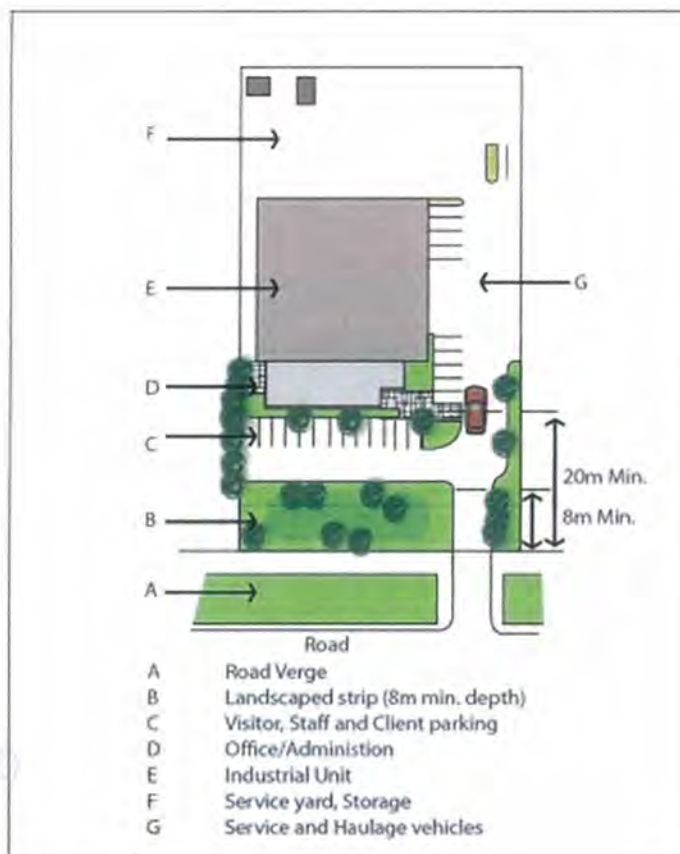


FIGURE 4 – Model Site layout

#### 4.5 Vehicle Parking, Access & Circulation

##### Number of Car Parking Bays Required:

The provision of car parking bays for staff and visitors shall be in accordance with Clause 5.8 and Table 3 of LPS3.

LPS3 also allows the Shire, at its discretion, to apply a greater or lesser requirement for car parking bays than that stipulated as the minimum in Table 3 of the Scheme if:

- the circumstances of a development justify such variation and there will not be any resultant lowering of safety, convenience and amenity standards, it may permit a reduction in the number of car parking bays required by Table 3;

- it is necessary to increase the required number of car parking bays in order to maintain desirable standards of safety, convenience and amenity, such extra car parking bays as the Shire considers necessary shall be provided. In imposing such extra car parking requirements, the Shire shall explain the reasons for the increase to the owner of the land;
- where there are two separate and different developments with different hours of peak operation, but being located on the same lot or adjoining lots, the Shire may permit a reduction of the required number of parking bays on either or both lots, provided it is satisfied there would be no resultant lowering of safety, convenience and amenity standards and there is written agreement to the reciprocal use of some or all car parking bays;
- where a proposed development is located adjacent to a constructed public car park the Shire may, where it is satisfied there would be no lowering of safety, convenience and amenity standards, reduce the quantity of required on site car parking for that development by the quantity which it considers the public car park serves the development.

Where a request for the reduction in the quantity of car parking bays is received, the following principles will be applied:

- The Shire will generally not accept a reduction in the required number of car parking bays for speculative developments. The applicant will need to provide advice from the prospective tenant as to their current and future parking needs.
- The Shire will not consider on-street parking as part of the calculation of car parking bays for a development proposal.
- Car parking ratios under previous Town Planning Schemes are not relevant and are not a mitigating factor.
- A reduction in car parking requirements will only be determined by Council and not under delegated authority.
- A change in land use may invalidate any parking reduction previously granted.

Disabled car parking bays are to be provided in accordance with current Australian and ACROD Standards.

Vehicle Access:

- All vehicle access must be contained on site.
- All vehicles must be able to exit the site in a forward direction.
- The number of access points to a site should be kept to a minimum.
- Access points should be designed to provide safe ingress/egress for vehicles and pedestrians.

Design of Vehicle Parking Areas and Accessways:

Accessways and parking areas must be planned and designed to achieve the following outcomes:



- Vehicle parking and circulation should be clearly marked and laid out and easily understandable by all users;
- Large expanses of parking are discouraged in favour of smaller modules broken up with vegetation and shade tree planting;
- Service and haulage vehicle parking areas are to be separated from visitor and staff parking areas, screened from the street, and located at the rear or sides of the buildings and behind the front building line;
- Within the service and haulage vehicle parking areas, large vehicle parking bays are to be located separate from small vehicle parking bays;
- Areas for loading bays, vehicle manoeuvring and outdoor storage are to be located separate from visitor and staff parking areas;
- External loading bays shall not be visible from primary street frontages, shall have access that is safe and convenient, shall be located at the side or rear of properties, and shall be screened from public streets by walls, landscaped earth mounds or dense planting;
- Clear paths are to be provided for pedestrian movement separate from areas of frequent vehicular movement;
- Parking areas for staff, clients and visitors are to be located adjacent to office/reception areas of buildings, with clear sight lines to entrances;
- Parking areas for staff, clients and visitors are to be provided with suitable species of canopy tree at a ratio of 1 tree per 6 car bays, spaced evenly throughout the parking area(s); [Further details provided in Section 6.0]
- Car parking areas are not to be used for temporary storage of goods, for servicing or for loading;
- Parking areas should be designed to channel rain water into areas set aside for planted vegetation;
- Parking for persons with disabilities is to be designed in accordance with the appropriate Australian and ACROD standards.
- Parking areas and access driveways must be paved or sealed with asphalt.



#### 4.6 Pedestrians & Cyclists

In order to encourage staff members to travel to work by means other than the private car, new developments should provide end-of-trip facilities for pedestrians and cyclists. These could include secure bicycle storage, lockers and showers.

#### 4.7 External Service & Storage Areas

- No open storage of goods, unserviceable vehicles or machinery shall be carried out within the front setback area (forward of the building line).
- All open storage areas shall be screened from the street and adjoining properties by landscaping, fencing and/or other means acceptable to the Shire of Kalamunda. Any screen fencing should use materials and colours that complement the main building design and, where possible, made to integrate with the building structure.

- Rubbish bin storage areas shall be screened from all road fronts. The dimensions and location of rubbish bin storage areas will be at the discretion of Council.
- All plant and equipment storage areas are to be adequately screened from public view from all road frontages.
- The preferred location for all external plant, service yards and bulk storage areas is at the rear of the lot.
- The storage of goods, materials, supplies or equipment is not permitted on road reserves, driveways, car parking areas, landscaped areas or public spaces.

#### 4.8 Loading & Service Areas

- Loading bays and service dock areas shall be located at the rear or sides of buildings, and away from the main building entrance, or relatively visible areas.
- Where possible, service and loading areas should be enclosed within the building.
- Any external loading and service areas should be appropriately screened to minimise views from a public road and adjoining buildings.
- Loading areas should be designed to accommodate vehicular manoeuvring on site and should not prohibit on-site vehicular circulation or cause traffic queues.

#### 4.9 External Lighting

- Lighting must be adequate to ensure a safe and secure environment.
- All external lighting shall be utilised in a manner which is consistent with the use for which it was designed (e.g., flood or spotlights, bollard lights, sensor lights, etc.)
- Beacons, search lights, blinking lights, flashing or changing intensity lights will not be permitted.
- Lighting should be directed away from adjacent buildings and any public roads.
- Security lighting should be confined to entrances and pedestrian areas and should not project onto any public road.
- All car parking areas, pedestrian routes and entrances shall be well lit. Parking area lighting should have a greater height than pedestrian area lighting, and be focussed downwards. Bollard lighting and pavement inset lighting is encouraged for pedestrian pathways.

#### 4.10 Boundary Fencing

The intent of boundary fencing for individual premises within the Forrestfield/High Wycombe Industrial Area is to provide security for businesses without compromising the visual quality and overall character of the streetscapes.

- Fences and gates shall be integrated with site planning and the design of the building(s). Fencing shall generally be visually permeable and unobtrusive.
- Forward of the front setback line, the minimum fencing standard is an 1800mm high metal tubing framed vertical pale and horizontal rail fence with powdercoat finish. Black is the preferred colour, as it tends to "disappear" into its surrounds. The fence must be predominantly "open" in appearance.





Forward of the front setback line, the minimum fencing standard is an 1800mm high metal tubing framed vertical pale and horizontal rail fence with powdercoat finish. Black is the preferred colour, as it tends to "disappear" into its surrounds. The fence must be predominantly "open" in appearance.

- Behind the front setback line, the minimum standard for side and rear boundary fencing is black PVC galvanised link mesh fencing (barbed wire on top is permitted). Palisade and welded mesh fencing may also be acceptable. No link mesh fencing is permitted forward of the front setback line.
- All fences should be durable and resistant to weather conditions and vandalism.
- Sliding front gates are preferred. Where swinging gates are being installed on boundary fencing, these shall open inwards away from the street.
- Electrified fencing will only be permitted if considered suitable and necessary by the Shire of Kalamunda.
- The style, dimensions, materials and colours of all fencing shall be provided as an integral part of the Development Application.



## 5.0 BUILT FORM GUIDELINES

### 5.1 Building Design, Character & Detailing

Buildings should demonstrate excellence in design, detailing and construction, and incorporate best practice environmental sustainability.

A diversity of building designs will be encouraged. Buildings should have a modern industrial appearance, and the use of innovative, functional and attractive designs and building materials will generally be supported.

Buildings should be of a contemporary style, with office areas having a more "human" scale and located near the street frontage.



The office/administration building should be located near the street frontage, and be of a more "human" scale than its associated warehouse or factory unit.

Buildings must be designed to address the street, and significant emphasis must be placed on providing an attractive and interesting front elevation. The main entrance to the building must be clearly visible from the street, and be obvious to the arriving visitor. It should be at or near the front of the main building.

- The front elevation must display the corporate image, and have an inviting entrance, preferably with some weather protection such as an awning, canopy or verandah.
- A moderate to high level of articulation of building frontages is strongly encouraged. A high standard of architectural and building design is required.
- Building elevations on corner lots must address both street frontages. The side elevation should not be "forgotten" when the building is being designed and detailed.
- Rooftop structures such as plant and machinery should be located, as far as practical, in a position where it will be least visible from ground level.
- Monolithic buildings should be avoided. The mass of large buildings should be broken into groups of clusters or sub-parts where possible to reduce perceived scale.



- Large unrelieved expanses of blank wall or roof on one plane with uniform finishes must be avoided where they can be viewed from a street. This includes large expanses of mirrored glass.

- Where more than one building is planned for a site, they should be sited and designed to form an integrated "whole", and present a visually harmonious image.
- Building design should be as flexible and innovative as possible to facilitate the changing needs of occupiers and their processes.

## 5.2 Materials, Finishes & Colours

### Sustainability

Building materials should be chosen which maximise durability, minimise maintenance, ensures good performance having due regard to the climate, maximises energy efficiency, promotes recycling, and maximises the use of renewable resources.

### Design

New buildings should be designed with facades divided up into contrasting smaller areas or panels through the inclusion of different materials, the use of colour and various forms.

- A moderate to high level of articulation to provide visual interest and to "break up" building frontages is strongly encouraged. This can be achieved through one or more of the following treatments:
  - incorporating "in and out" walls;
  - including a high ratio of glass to solid wall;
  - using multiple façade materials (2-3 different appropriate materials on each street facade);
  - including bright colours on buildings as a "splash" feature or as a trim (i.e., as a limited special effect); and
  - using interesting roof shapes & roof angles (silhouettes).
- Different materials such as concrete panels, profiled metal sheet cladding and fibre cement cladding can be used for larger areas, with face brickwork, stone panels and weatherboard panels as features, either separately or in combination.
- In addition, other feature elements can be used to achieve good, attractive design. For example, louvred vents and screens, projecting sun screens over windows, and exposed steel columns and bracings
- Consideration should also be given to dividing the façade(s) into top, middle and bottom sections using different materials and/or graded colours.
- Projecting sun screens over windows and overhanging roofs can also create interesting shadows on façades.

Building colours should generally be sympathetic and complementary with the natural environment (soils and vegetation), as well as the site landscaping. Generally, the use of dark colours should be reserved for the base of buildings, with lighter colours used for the upper levels.





Strong primary colours should be used sparingly to highlight building features or trim, and to add interest and relief to building façades.

Large areas of one material should be treated with muted colours and tones, avoiding strong hues.



Large areas of one material can be visually "broken up" and made to look more attractive and interesting by the judicious use of colour.

In this example, the visual impact of the large side wall with roller doors has been reduced by the use of two different but complementary colours.

Where a development is comprised of multiple buildings, or multiple tenancies within one building, the thoughtful use of complementary colours, materials, finishes and detailing can allow each business unit to be easily distinguishable and identifiable.

### 5.3 Plant & Equipment

All plant and equipment should be screened from public areas, or located at the rear of premises.

The exception to this may be where ductwork, stacks, tanks or flues that are necessary for the building to function are designed and treated as feature elements.

- Consider using plant and equipment as design features;
- Conceal unsightly plant such as air conditioning units;
- Use passive sustainable elements (such as water tanks and ventilation louvres) as design features and express these through the use of colour or by highlighting external structural elements.

### 5.4 Outbuildings & Other Structures

Where there are numerous separate buildings on the site, the design and location of each should be considered at the time of initial site planning. This will ensure that all buildings on the site will present as one integrated development.

This initial planning should extend to include possible future expansion of buildings, additional buildings and staging of development. The use of building forms, materials and colours should be complementary and consistent.

### 5.5 Signage

High quality, integrated signage is an important design element. Development proponents must provide an overall signage strategy, including proposed business advertising, information signage and directional signage, as an integral part of the development application process. An unnecessary proliferation of signs shall be avoided.

#### Advertising Signs

Advertising signs attached to buildings shall be designed to be an integral part of the building – i.e., recessed into the façade, fascia or awnings, and co-ordinated in scale, colour and style. Signs can be incorporated as three-dimensional elements to add quality to the overall design effect.



Figure 6 – Appropriate Locations for Corporate Signage

- All advertising signs shall be designed to be an integral part of the building fabric, and shall be of a standard equal to, and consistent with, the building design and detail;
- All signs located throughout the lot shall be of a consistent design character to maintain the amenity of the area;
- Only one free-standing identification sign or composite advertising sign is permitted per lot;
- Where multiple occupancy is proposed, the composite sign may have only one panel per occupancy; and
- Each premise will clearly display their street number.



Advertising signage information shall be limited to:

- The name, business logo, address, telephone number, email address and website associated with the premises;
- The name of the business or businesses contained within the premises; and
- The type of services, activities or products available within the premises.

Some signs and sign types will not be permitted. These are:

- Roof-mounted signs or signs which project above the ridge height of the building;
- Moving, flashing, pulsating, intermittent or sound-emitting signs;
- Changeable message signs;
- Sequined or glittering signs;
- Unrelated or "third party" signs;
- Signs attached to fences;
- Billboards;
- Any portable advertising sign located on the road reserve;
- Tower and monolith signs; and
- The excessive application of modern standardised corporate advertising.

#### Directional and Information Signs

Directional signage should assist visitors to the site, and include entry and exit signs, parking controls, and signs clearly indicating delivery and reception areas.

Directional signage should ideally be part of an overall signage "family" of complementary fonts, colours and other related imagery.



## 6.0 ENVIRONMENTAL MANAGEMENT

Among other things, the Shire of Kalamunda will be encouraging site and building design based on environmentally sustainable principles including correct solar aspect, appropriate materials and finishes, natural ventilation, water conservation and reuse, embodied energy and energy efficient operations, and the "greening" of sites and streetscapes.

### 6.1 Landscaping

#### Intent:

The Shire of Kalamunda is determined to oversee the development of the Forrestfield/High Wycombe Industrial Area as a high quality, attractive, sustainable and functional "estate". An integral part of this "vision" will be the development of a high standard of landscaping – principally tree and shrub planting, as well as the protection of existing high quality natural vegetation.

Considering the large scale of most industrial buildings, larger-scale trees should form a significant proportion of plantings. These can be complemented by mass plantings of water-wise low shrubs, herbs, ground covers and strappy leaf plants between the trees. The use of plants which have colourful flowers and leaves is particularly encouraged.

Car parking areas must be well planted with shade trees to visually reduce the apparent size of the hard paving, to reduce the amount of radiated heat and the "heat island" effect which can occur during summer, and to provide welcome shade for parked cars.



The Shire has responsibility for the development and ongoing maintenance of landscaping in public areas: i.e., road reserves, parks and nature reserves. The Shire will develop and adopt a strategic plan to guide this work.

The Shire will undertake the landscaping of these public areas in partnership with private land owners, who will be responsible for the landscaping of their own properties. The establishment and ongoing maintenance of landscaped areas on private land will be an integral part of the site planning and development approval process.

#### Landscape Purpose:

Private landholdings will be landscaped in a manner which achieves the following objectives:

- to provide an attractive setting, "front yard" and entry for developments;
- to provide attractive streetscapes which complement street tree planting and other landscape measures undertaken by the Shire within the road reserves;
- to screen unsightly on-site activities or areas;
- to provide shade over paved areas, especially car parking areas;

- to provide plants that are hardy and drought-tolerant, which provide habitat and food for local fauna, and require minimal herbicides and pesticides; and
- to provide a high level of amenity for workers and visitors by providing summer shade, winter sun, and wind breaks.

Landscape Requirements:

- With the exception of all lots abutting the south side of Sultana Road West east of Milner Road, the first 8m (minimum) of each street frontage of every lot within the Industrial Development Zone shall be set aside, developed and maintained as landscaped (planted) space. The landscaping of this space shall contribute positively to the character of the streetscape.
- Landscaping behind fences should not form a dense screen, except where it is required to screen outdoor storage areas or plant and equipment.
- Perimeter fences may be placed behind landscaping strips, however the landscaping outside the lot boundary should generally require only low maintenance and should not easily trap wind-blown refuse.
- Parking areas for staff, clients and visitors are to be provided with suitable species of canopy tree at a ratio of 1 tree per 6 car bays, spaced evenly throughout the parking area(s). The selected tree species must have a foliage-clear trunk, and a canopy capable of growing up to 5m in width.
- Trees that drop nuisance litter such as fruit, berries, bark, sap and branches are not suitable for planting in car parks.
- Parking areas should be designed to channel some rain water into the areas set aside for planted vegetation. Appropriate ground surfaces should be provided around the base of car park trees to maximise their access to air and water within their root zone. These surfaces could include mulch, gravel, porous paving, ground cover plants or grasses. Impervious paving around the base of trees is not permitted.





- Wheel stops at the front ends of car parking bays must be used to prevent cars damaging trees.
- All landscape designs should be practical and easily maintained.
- All applications for Approval to Commence Development by the Shire of Kalamunda to include a detailed landscape plan as documented in **Appendix 2** of this Policy.
- Narrow landscaped strips (i.e., less than 2m in width excluding kerbs and other barriers) are ineffective and should be avoided.
- Plantings should generally allow views into and across industrial sites rather than seeking to screen them entirely from view. However, landscaping shall be used, perhaps in conjunction with screen fencing, to hide outdoor storage areas.
- Indigenous and "water-wise" plant species are strongly preferred. Large areas of grass should be avoided.
- Significant tree planting should be a feature of every landscape plan. Trees shall be planted within the landscape strip of every street frontage at the minimum rate of one tree for every 6 metres of total lot frontage. These should preferably be planted at staggered intervals in two rows.
- The use of mature/advanced plants to create an immediate visual impact and to enhance the amenity of the area is preferred.
- The landscape design for each site shall be undertaken by a qualified landscape professional. All landscaping and planting shall be undertaken by a qualified contractor.
- Proponents of new developments must make every endeavour to retain any existing large, healthy, mature trees on site, and accommodate their retention and ongoing protection in any site and landscape plan if possible and practical.



Landscape Requirements for Lots Zoned Industrial Development Abutting the South Side of Sultana Road West and Located East of Milner Road:

These lots are planned to be developed for industrial purposes as part of Stage 1, and well before lots on the north side of Sultana Road West in Stage 3 are developed. The lots on the north side of Sultana Road West are currently being used for rural residential-type development. For this reason, an additional level of visual protection from new industrial development for existing residents is warranted.

Therefore, for lots abutting the south side of Sultana Road West and located east of Milner Road, the first 15m (minimum) of the Sultana Road West frontage of every lot shall be set aside, developed and maintained as landscaped (planted) space. The landscaping of this space shall act as a landscaped buffer and provide adequate visual screening from the road of the buildings and activities on the lot, and contribute positively to the character of the streetscape.

Apart from this requirement, all other landscaping requirements listed in the previous section shall apply to lots zoned Industrial Development abutting the south side of Sultana Road West and located east of Milner Road.

## **6.2 Landscape Reticulation**

To ensure plantings are successful, landscaped areas should be irrigated with an appropriate reticulated watering system. Land owners should:

- Install a low flow trickle irrigation system;
- Install a programmable water controller/timer system; and
- Direct rainwater runoff from buildings and hardstand areas to the landscaped areas.

Irrigation should take place at night or early morning to reduce evaporation losses.

It is also recommended that land owners install external rainwater tanks to irrigate planted areas (and/or provide water for internal domestic use such as toilet flushing).

## **6.3 Rainwater/Stormwater Disposal**

All impervious surfaces must be adequately served with appropriate stormwater inlets and on-site pervious drainage swales to ensure all stormwater is handled within the site boundary or treated appropriately prior to legal discharge.

Stormwater is not to be discharged to adjoining properties.

Parking areas should be designed to channel some stormwater into areas set aside for planted vegetation. Water-sensitive urban design measures should be incorporated into site design, including:

- Using grassed swales instead of conventional kerbing and channel drainage;
- Using filter strips such as a maintained grass or vegetated strip; and
- Using stormwater infiltration measures at the end of swales or open drains.

Stormwater runoff from roofs should be sent to rainwater tanks that are plumbed in to irrigate landscaped areas, or for showering and toilet flushing.

Surface grading of all sites must be designed to eliminate ponding or back-up of water.

## **6.4 Waste Management**

Waste storage and disposal facilities should be integrated with the site and building design.

Waste and refuse should be stored in a purpose-built facility, and screened from any adjacent street and staff amenity/recreation areas. Where possible these areas should be contained within the building. Wind-proof cages should be used to prevent scattering of waste.

All inadvertent discharge from equipment and vehicle cleaning, servicing etc., (not captured by the wastewater system) must be cleaned and filtered prior to entry into the stormwater system.

Recycling storage facilities should be provided

## 6.5 Natural Light & Ventilation

To complement the solar passive site layout and building orientation guidelines described in Section 4.0, the following building design initiatives are aimed at conserving non-renewable energy, and improving employee comfort by assisting the penetration into buildings of natural light and ventilation.

### Natural Light:

Rooflights have the ability to introduce UV filtered sunlight into the centre of a building. Translucent rooflight material is recommended.

Clerestory windows can introduce natural light (preferably diffused southern light) into the centre of a building, thereby reducing the need for artificial lighting.

### Ventilation:

Side wall ventilation openings can be used to encourage cross-ventilation through a building. Clerestory windows provide an outlet for rising warm air within a building, and also allow cross-ventilation.

Small wind-powered ventilation turbines located on a roof increase a building's air circulation by aiding the extraction of hot air from a building, which then allows cooler air to enter at a lower level. Large roof vents can also assist this process.

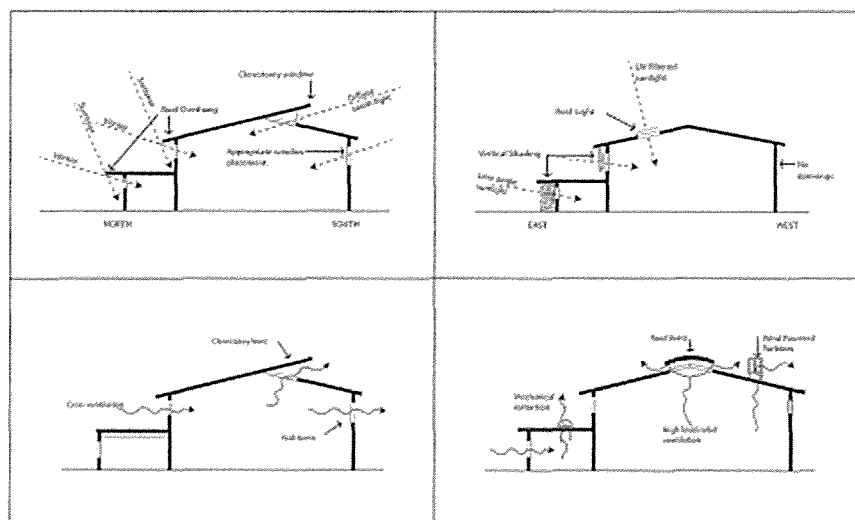


FIGURE 7 – Provision of Cross Ventilation & Natural Lighting



#### **6.6 External Lighting of Buildings & Spaces**

- No glare or light spill from a property should adversely affect adjoining properties or passing motorists. Baffled or directional lighting should be used to minimise this eventuality.
- Energy-efficient lighting systems are recommended for external areas.
- Lights controlled by timer controls or motion sensors are also recommended to save energy.

#### **6.7 Internal Lighting of Buildings**

It is recommended that:

- energy efficient light fittings be used; and
- lights controlled by timers, photosensitive cells or motion sensors be used where possible and appropriate.

#### **6.8 Water Use & Storage**

The following recommendations are consistent with the Building Code of Australia 5 Star Plus energy and water efficiency measures:

- install solar or 5 star gas (or heat pump) hot water systems;
- install water efficient showerheads;
- install water efficient tap fittings in all kitchen sinks and bathroom basins; and
- fit water efficient dual flush toilets, and/or waterless urinals.

It is also recommended that land owners install external rainwater tanks to irrigate planted areas (and/or provide water for internal domestic use such as toilet flushing). The recycling of grey water will be encouraged.

### **7.0 SITE AMENITY**

#### **7.1 Landscape Maintenance**

Conditions of consent or planning approval will require ongoing maintenance of the following items:

- All accidental damage or vandalism should be repaired promptly.
- Preventative maintenance should be undertaken as part of a regularly scheduled process to maintain the appearance, efficiency and safety of the site. A site maintenance manual and schedule should be prepared, updated and used on a recurring basis.
- All dead plants, branches, weeds and leaf litter should be removed on a regular basis. All dead plants should be replaced promptly (subject to prevailing weather conditions).
- Irrigation systems should be checked regularly for leaks and damage.

## 7.2 Building Maintenance

All buildings, car parks, signage and paved areas are to be maintained to a high level of presentation.

- All painted surfaces are to be kept in good repair with regular scheduled repainting as required.
- Preventative maintenance should be undertaken as part of a regularly scheduled process. A building maintenance manual and schedule should be prepared, updated and used on a recurring basis.
- Safety and health must be protected at all times. All accidental damage or vandalism should be repaired promptly.

## 7.3 CPTED & Safer Design

Site layout and design should conform to the principles of "Safer Design", or "Crime Prevention through Environmental Design" (CPTED) principles. These include the provision of:

- clear sightlines;
- pedestrian safety, good connections and access;
- active and passive surveillance of the public realm from private property;
- "neck to knee" clearance zones in landscaped car parks for better surveillance;
- "open" planting adjacent to public thoroughfares;
- good lighting of car parks and pedestrian routes;
- visually permeable fencing along open space edges to sites;
- clear direction signage;
- vandal-proof fittings on furniture, lights and other items; and
- robust materials.

## 8.0 DEVELOPMENT ADJACENT TO THE NORTHERN BUFFER ZONE (Poison Gully)

As part of the Indicative Development Plan for Stage 3 of the Forrestfield/High Wycombe Industrial Area, a "Vegetation Protection/Enhancement Area" is proposed for the land containing, and adjacent to, Poison Gully. This land is intended to act as a buffer zone between the industrial area and the (mostly) residential areas located immediately to the north.

For lots abutting the buffer zone, the following additional requirements apply:

- Industrial activities which generate significant noise levels may not be permitted. Noise activities may only be permitted if the noise is contained within the site, for example, within a solid masonry building. Environmental Protection Authority noise control policies should also be consulted.
- The rear setback for any proposed new building, and the activities that are intended to take place within the rear setback, will be carefully considered by the Shire of Kalamunda, with a view to minimising any potential negative impacts on nearby residents.

- A strip of land 5m in width and abutting the buffer zone shall be planted with species of local provenance, and protected and maintained.
- No new developments, nor the uses or processes carried out on-site, shall be permitted to adversely affect the amenity of the nearby urban areas due to poor building or site appearance. The transportation or storage of materials and vehicles, the nature of the goods produced, emissions of waste products, noise, smells or smoke shall not be permitted to have an undue adverse impact on the amenity and environment of nearby residents.

## 9.0 DEVELOPMENT ADJACENT TO OTHER PROTECTED PUBLIC AREAS

[Refer to the draft Indicative Development Plan (Figure 3, Section 2.0)]

For private land zoned "Industrial Development" and located adjacent to:

- the Regional Reserve land; or
- vegetation protection/enhancement areas; or
- informal/formal recreation spaces,

a strip of land 10m in width and abutting the said protected public land shall be planted with species of local provenance, to the satisfaction of Council, and protected and maintained.





## APPENDIX 1 – Development Application Requirements

1	Completed Schedule 6 Form signed by the property owner.
2	Prerequisite planning fee.
3	Copy of Certificate of Title.
4	Detailed written statement in support of proposal, including but not limited to: <ul style="list-style-type: none"> <li>Type of use/development.</li> <li>Hours of normal and peak operation, and number of employees.</li> <li>Compliance with the Town Planning Scheme, this Local Planning Policy, and any other applicable Detailed Area Plans, Structure Plans, Outline Development Plans and other applicable Shire of Kalamunda policies.</li> <li>Justification for any proposed variations.</li> <li>Distance of all structures from nearest boundaries.</li> <li>Existing and proposed building envelope (if applicable)</li> </ul>
5	Site plan (4 copies) of a scale of no less than 1:500 showing: <ul style="list-style-type: none"> <li>Lot number(s), land area, boundaries, dimensions of the site and a north point (preferably to the top of the page).</li> <li>Location of existing buildings and landscaping to be retained.</li> <li>Existing ground features including watercourses.</li> <li>Location of proposed buildings and landscaping.</li> <li>Details of effluent disposal systems.</li> <li>Gully and manhole locations, pipe sizes, subsoil drainage requirements, falls to paved areas, falls to landscaped areas, proposed connection of Shire system and soak wells.</li> <li>Existing and proposed contours and floor levels, embankments and retaining walls.</li> <li>Location and type of any easements.</li> <li>Details of roads, accessways, crossovers, visitor and staff car parking, commercial vehicle parking and manoeuvring, location of loading/unloading areas, fencing location and type, and any proposed verge treatments.</li> <li>Details of any open space and staff amenity areas.</li> <li>Schedule of materials, colours and finishes.</li> <li>Location and details of any cut and fill, and method of retaining.</li> <li>Location and type of bin storage areas and recycling facilities.</li> <li>Statement regarding all energy efficiency measures proposed, and how it is planned to minimise water use.</li> </ul>
6	Floor plans (4 copies) of a scale of no less than 1:500 showing: <ul style="list-style-type: none"> <li>Internal dimensions.</li> <li>The uses to take place in each part of the building(s)</li> <li>Public &amp; staff facilities clearly marked.</li> <li>All entrances and fire exits.</li> </ul>
7	Elevations (4 copies) of a scale of no less than 1:500 showing external dimensions, fixtures & lighting details.
8	Coloured streetscape elevation(s) (4 copies) for all developments exceeding \$1M.
9	Signage strategy. (Advertising, information and directional)
10	Landscape plan. (See Appendix 1)
11	Landscape reticulation plan. (See Appendix 1)



## APPENDIX 2 – Landscape Plan & Reticulation Plan Requirements

Landscaping has the potential to improve the visual amenity and environmental sustainability of all urban areas, including light industrial areas. Landscaping should not only complement the appearance of a proposed development but also that of surrounding land uses. Consequently the Shire of Kalamunda requires that detailed landscape and reticulation plans accompany all new industrial development applications.

### Landscape Plans

A landscape plan must include the following information:

- A site plan with a scale of not less than 1:200 illustrating all the areas proposed to be landscaped.
- A legend of plants showing botanical names of the proposed vegetation types.
- Quantity of plants, their spacing, and landscape vegetation.
- Pot sizes of plants at the time of planting.
- Identification of existing vegetation types, their botanical names and their intended use.
- Details of ground treatment such as paving, grass, etc.
- Details indicating how water harvesting of impervious surfaces will be undertaken and used to irrigate landscaped beds.
- Approximate location of neighbouring buildings to fence lines.
- Location of any existing, and proposed, fences.

Landscaping is required to be installed in accordance with an approved landscape plan.

### Landscaping on Council Verges

- All landscape plans must clearly show any proposed treatments or landscaping proposed to take place within the Council verge: e.g., grass and paving.
- Any existing trees located on the Council verge must be shown.
- No street trees shall be removed unless written approval is obtained from the Manager Parks.

### Shade Tree Requirements for Car Parking Areas

The Shire requires proponents to plant a minimum of one shade tree for every 6 car bays provided on the lot, to Council's satisfaction.

### Reticulation Plans

A reticulation plan will accompany the landscape plan. It shall detail:

- Scheme and bore water requirements.
- The approved bore licence from the Department of Environment and Conservation.
- Any other proposed sources of water (e.g., rainwater tanks).
- Locations of compensating basins and sumps.
- Methods of reticulation (such as trickle or fixed systems).
- Indicate the method of operation (automatic/manual).
- The watering schedule.

#### **Planning of Indigenous Species**

Indigenous and "water-wise" plant species are strongly preferred. Indigenous plants are adapted to the local climate, and provide habitat and food for local fauna. Large areas of grass or lawn should be avoided.

The Shire encourages all proponents of new developments to use indigenous vegetation species when preparing landscape plans.

Please contact the Shire's Planning Services for enquiries.

\*

## Shire of Kalamunda

~ Notes ~

### Treatment of Road Reserves Within the Forrestfield/High Wycombe Industrial Area

#### 1.0 PRINCIPLES:

- Because the bulk and scale of the industrial buildings within the estate is likely to be significant, it is recommended that tall Eucalypt trees be planted as verge trees. These will also complement the large number of existing tall trees that occur throughout the estate, on both public and private land, many of which are recommended for retention during the staged development process.
- Road verges should be mulched. It would be prohibitively costly to plant, reticulate and maintain landscaped verges throughout the estate.
- Simple "entry statements" should be provided at the main entry points to the estate.

#### 2.0 STREET TREE SELECTION - Tall Eucalypts:

Myrtle Rust quarantine measures may mean that some species of Eucalypts are unavailable from nurseries. Therefore a number of options have been listed:

In alphabetical order:



*Corymbia (Eucalyptus) maculata*  
Spotted Gum

Height to 20m, straight trunk, mottled smooth bark, very tough and consistent.



*Eucalyptus camaldulensis*

**Red River Gum**

Height up to 30m, smooth trunk character. Plant closely for denser canopy, may drop branches if conditions too dry.



*Eucalyptus gomphocephala*

**Tuart**

Height up to 40m, local species, nice trunk character.





***Eucalyptus marginata***

**Jarraah**

Height up to 40m, local species, good habitat but vulnerable to dieback.



***Eucalyptus salmonophloia***

**Salmon Gum**

Height to 30m, beautiful coloured smooth trunk character, suitable for clay soils



*Eucalyptus sideroxylon*  
Red Ironbark  
Height up to 30m (slightly less for 'Rosea'), rough black trunk character,

### 3.0 ENTRY STATEMENT COSTING:

Entry statements may be installed on one or both sides of the road at the main entry points to the estate. The costing below is for one side only, so costs would be double if installing an entry statement on both verges.

#### Estimated costs construction per entry statement (one verge only) -

Feature bed of colourful water-wise natives (Includes retic., soil, mulch and plants)	2m x 4m x \$100m2	= \$ 800
Advanced specimen trees (Includes retic, soil, mulch and 190L trees)	3 x \$250	= \$ 750
"Rammed earth" entry wall (Block and render may be 50% less)	2Lm x 1m high	= \$1,000
Signage (Approx amount only)		= \$1,000
Contingency 5%		= \$ 180

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**Sub Total** = **\$3,730**

#### Estimated costs annual maintenance per entry statement (one verge only) -

5% of installation (to replace failed plants etc.)	= \$180
1hr per month @ \$40	= \$480

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**Total each statement annually** = **\$660**

### 4.0 ESTABLISHMENT COST FOR MULCHED VERGES:

The Shire would have accurate cost estimates available for purchasing trees and mulch, and installation of both. Consult relevant officer(s).

### 5.0 MAINTENANCE COSTS FOR MULCHED VERGES:

#### First 3 years -

Assumes new trees, mulched surface, summer watering by truck, one tree per 10 Lm in a 5m verge depth #

5% of installation (to replace failed trees)	= \$ 10
45mins x \$40ph x 26 weeks	= \$780
Water and truck (approx.)	= \$100

---

Cost per 10 Lm in a 5m verge width per annum = \$890

**Assuming trees planted both sides of every street = \$890 x 2 = \$1,780 per 10m length of road**

**NOTE #:** Means 10 linear metres with a verge depth of 5 metre. At this stage the verge widths are unknown so a 5m width has been assumed. The tree spacing has been assumed to be 10 metres.

**After establishment -**

Assumes established trees, mulched surface, occasional summer watering by truck, one tree per 10 Lm in a 5m verge depth.

5% of installation (to replace failed trees)	= \$ 10
Mulch top-up and spray weeds	= \$ 80
45mins x \$40ph x 4 weeks	= \$120
Water and truck (approx.)	= \$ 50

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Cost per 10 Lm in a 5m verge depth per annum	= \$260
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**Assuming trees planted both sides of every street = \$260 x 2      = \$520 per 10m length of road**

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**Attachment 4**

FF/HW Industrial Area Design Guidelines  
Submission Table

Submission		Details	Officer Comment
1.	Ken and Maureen Haynes 23 Brand Road High Wycombe WA 6057	1. We are very happy with all the work that the Shire of Kalamunda is putting into the re-development of this area in High Wycombe. It is already an attractive area so to maintain that is very reassuring to us who have lived here for a very long time. We are now eager to move so the sooner it happens the better for us, but we will still be residents in the Shire of Kalamunda because you all have always addressed our needs promptly and considerately - so the Shire are stuck with us for many more years to come!!!! Thank you for keeping us updated on the progress of the re-development.	1. Noted
2.	Aileen Reid Rob Fairclough 63 Brae Road High Wycombe 6057	<ol style="list-style-type: none"> <li>1. In the presentation of this draft the Shire of Kalamunda appears to have taken the view that development of this area is mandatory in accordance with the Kewdale Hazelmere Integrated Masterplan (KHIM). This is not the case. The KHIM refers to development 'where appropriate' and 'equal consideration of social, economic and environmental impacts'.</li> <li>2. Existing residents should be given the option of remaining under a non-conforming use zoning and land rates should reflect the existing rural residential zoning rather than the proposed light industrial zoning.</li> <li>3. In the draft document the Shire of Kalamunda is said to be committed to a high quality development but this is not evidenced by current development where entire lots have been covered with roadbase and used as truck parking.</li> <li>4. There is allocation of some area for recreation and planting of endemic species near Roe Highway. Currently the only access would be through the proposed industrial area. As there is no access from Roe Highway I would see the value of this area as being extremely limited.</li> <li>5. The Shire acknowledges that the progressive development of the area for industrial land use activities may lead to some amenity implications for residents who wish to remain on their</li> </ol>	<ol style="list-style-type: none"> <li>1. Notwithstanding the relevance of the KHIMP Strategy, the WA Planning Commission has adopted the Economic and Employment Lands Strategy – Non Heavy Industrial (2012) which identifies the subject land as a priority strategic industrial site.</li> <li>2. If non conforming use rights exist then landowners will be able to operate under the conditions of their existing approval. Any changes however to the planning approval will be subject to the requirements of the zoning and development scheme.</li> <li>3. Currently, a number of properties are being developed in the area, without the planning approvals, and contrary to the requirements of the current zoning. The Shire is currently dealing with those landowners who have no planning approvals.</li> </ol>

FF/HW Industrial Area Design Guidelines  
Submission Table

	<p>properties in the short-term. However, the Shire shall endeavour to minimise any potential problems through the development application assessment process. The inference here is that current residents have no option to stay. Therefore there is no impetus for the council to try to minimise impact of this development on existing residents.</p> <p>6. Page 2 Section 1.3 of the KHIM states: Sustainable development should be achieved through equal consideration of social, economic and environmental impacts. Could the Shire explain what cost benefit analyses of social and/or environmental issues has been undertaken and present that data.</p> <p>7. Chapter 6 of the KHIM states: The use of composite residential/light industrial zoning fronting residential development should also be considered.</p> <p>8. Nowhere in the KHIM does it state that development of Stage 3 is mandatory nor that existing residents must be relocated.</p> <p>9. We are not sure what community consultation has occurred with respect to Stage 3 to date.</p> <p>10. While it is laudable to encourage cycling to work it should be noted that there is a severe lack of safe cycleways in the area surrounding this development. Bearing in mind the extensive use of these roads by heavy vehicles, cycleways need to be created alongside major roads and not on the shoulders.</p> <p>11. With regards to the approved bore licence from the Department of Environment and Conservation, I am not aware that bore licenses are required in this area nor are they administered by DEC.</p> <p>12. Page 25 Section 9 of the design guidelines states: For private land zoned "Industrial Development" and located adjacent to:</p> <ul style="list-style-type: none"> <li>• the Regional Reserve land; or</li> <li>• vegetation protection/enhancement areas; or</li> <li>• informal/formal recreation spaces,</li> </ul>	<p>4. Noted.</p> <p>5. Refer Comments 2.2.2. Landowner's who wish to stay on their properties can do so, they will not be forced to move.</p> <p>6. The quote relates to one of six guiding principles for planning and development in Kewdale Hazelmere Integrated Masterplan (KHIM) document. The other five principles discuss review and improvement of the road and rail freight network in the area, proper and orderly future development and use of land, reduction and avoidance of potential land use conflicts, infrastructure service provisions to support industrial expansion and consideration for the natural environment, open space and heritage values of the area. All six principles have been taken into consideration at the early stages of rezoning of the subject land and are guiding further planning works including the Draft Design Guidelines as well as the current and future structure planning of the area.</p> <p>7. Amendment No. 34 to the Scheme, dealing with the Stage 1 of the development area required Schedule 11 (Development Areas) of the Scheme to be modified to include the provision so that the structure plan for</p>
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FF/HW Industrial Area Design Guidelines  
Submission Table

		<p>a strip of land 10m in width and abutting the said protected public land shall be planted with species of local provenance, to the satisfaction of Council, and protected and maintained. It needs to be clarified as to whether this applies to residential properties while they remain in the area as eg 63 Brae Road which abuts Brae Road Reserve. We are currently required to maintain firebreaks.</p>	<p>this area is to ensure that general and heavy industrial uses are not permitted. The same provision is to be included for Stages 2 and 3.</p> <p>8. Neither development nor relocation of any residents in any of the stages is in any way mandatory. Rezoning, structure planning and the Design Guidelines only outline the planning framework if the development was to occur.</p> <p>9. The Shire communicated with the landowners in Stage 3 in September 2011, informing them of the commencement of planning work in Stage 3. While the area under the Stage 3 is currently still zoned Special Rural, the Shire has taken the view that the information regarding Design Guidelines should be forwarded for comment to all the landowners in the potential future Industrial Development zone. Design Guidelines will clearly only become applicable to you area if/when the WA Planning Commission endorses the rezoning of the area.</p> <p>10. Roads throughout the area will be upgraded to allow for Shared pedestrian/cycle paths and the possibility of using the bridle trails as alternative pedestrian/ cycling paths is being considered.</p>
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FF/HW Industrial Area Design Guidelines  
Submission Table

			<p>11. Noted.</p> <p>12. This requirement does not extend to existing residential properties that remain in the area. It is recommended that the requirement for landscaping adjacent to regional reserves will be removed from the guidelines on the basis that all regional reserves will be afforded the appropriate level of protection through new fencing fronting roads and security fencing fronting private lots.</p>
3.	Domenic Furfaro	<p>1. I think that the amount of landscaping for each property and the front setback for the buildings really need to be scaled down about 2 or 3 metres, as we are being told to use less water these days and it just seems a lot will be used and wasted on lawns and landscaping, even with using native plants I feel it is just to excessive.</p> <p>2. Also I would hope that the Shire, in its planning stage, will allocate an area for GENERAL INDUSTRIAL zoning, with guidelines. Light Industry throughout would be to the Shire's loss and more importantly the communities loss, if only a small number of industries were able to develop business there as both work together.</p>	<p>1. Landscaping area on all roads but Sultana Road West will be reduced to 6m. The intent of the increased landscaping is to ensure quality landscaping to compliment the built form.</p> <p>2. The Industrial Development zone will provide for a range of light industrial activities for all three stage of the industrial area. Provided there is no demonstrated amenity impacts in term of noise and odour then an extensive range of industrial land use activities will be considered.</p>
4.	F Raja	<p>1. The Design Guidelines don't give much detail about the future lot sizes. I could like to suggest, that after the rezoning is changed to light industrial, minimum lot sizes should be very flexible.</p> <p>2. Minimum lot sizes of 500 – 1000 sqm should be allowed depending upon the need of individuals. This will encourage</p>	<p>1. The draft structure plan requires a minimum lot size of approximately 1 ha.</p> <p>2. 500 to 1000sqm lots will not be permitted. Lots of this size does not represent the highest and best use of</p>



FF/HW Industrial Area Design Guidelines  
Submission Table

		small business owners to operate with smaller capital and generate more employment opportunities for the general public and also the revenue for the Shire in terms of rates.	the land.
5.	Nature Reserves Preservation Group Tony Fowler	<ol style="list-style-type: none"> <li>1. The NRPG submission to the Kewdale Hazelmere Integrated Masterplan did not support the rezoning and development of this area from 'Rural' to 'Light Industrial'.</li> <li>2. The Shire of Kalamunda document assumes that rezoning and development of this area is a given. However NRPG reiterates that this is not necessarily the case, as it refers to development 'where appropriate' and 'equal consideration of social, economic and environmental impacts'.</li> <li>3. The NRPG questions the Shire of Kalamunda's evaluation of the proposed development to account not only for the economic value, but the social and environmental values.</li> <li>4. While the guidelines of this document have good intention, they are likely to be ineffective unless they carry more authority than just 'guidelines' and should be made 'Policy'.</li> <li>5. Where possible, the wording should be to 'require' the implementation of the principles, etc.</li> <li>6. The new businesses in the area that have sprung up over the last few years should be retrospectively bound by these development guidelines.</li> <li>7. Community workshops and consultations should be held regarding the proposed development.</li> <li>8. According to the colour coding key, Poison Gully Creek which NRPG understands is Bush Forever site number 45, is coloured as a reserve only and there is no mention of it being Bush Forever.</li> <li>9. All areas with native bush which can form wildlife and passive recreation corridors should be preserved and enhanced to achieve this. Reference to the Shire of Kalamunda's 'Wildlife Corridor Strategy' and 'District Conservation Strategy' are relevant.</li> </ol>	<ol style="list-style-type: none"> <li>1. Noted.</li> <li>2. While the area under the Stage 3 is currently still zoned Special Rural, the Shire has taken the view that the information regarding Design Guidelines should be forwarded for comment to all the landowners in the potential future Industrial Development zone. Design Guidelines will clearly only become applicable to this area if/when the WA Planning Commission endorses the rezoning of the area.</li> <li>3. The strategic importance of the proposed Industrial Development area in Forrestfield/High Wycombe has been recognised and highlighted at the state level. It is acknowledged that a loss of amenity for current residents will occur in the short term, while the stages are progressing and every effort is being made to minimise that effect. In terms of the impact on the environmental values of the area, structure planning as well as the production of the Draft Design Guidelines addresses specific environmental goals to be achieved in the proposed future development.</li> </ol>

FF/HW Industrial Area Design Guidelines  
Submission Table

	<p>10. The present plan misses the opportunity to interconnect habitat, and the obligation to future generations to preserve all the remaining Forrestfield Vegetation Complex, of which less than 10% remains.</p> <p>11. Policy Objective point 1 should read: ‘..are well designed with functional, energy efficient/energy-positive buildings..’ to encourage the installation of solar PV generation.</p> <p>12. Policy Objective point 3 should read: ‘..and sustainable landscaped areas and streetscapes using local native species.’ All heat-retaining surfaces such as asphalt and concrete shall use trees where possible to reduce heat-island effect.</p> <p>13. Policy Objective point 5 should include mention of water sensitive urban design (WSUD).</p> <p>14. Kalamunda has a lack of safe cycleways in the area surrounding this development. The guidelines should include for cycleways alongside but separated from major roads.</p> <p>15. The guidelines should include motorcycles and provide for under-cover parking protection against sun and rain. Electric charge points should be included for electric scooters which are rapidly gaining popularity.</p> <p>16. Light pollution and energy cost/use should be minimised by eliminating unnecessary lighting, the use of PIR-activated sensor lights; and light designs which prevent escape of side-lighting.</p> <p>17. Signage lighting should be turned off after a nominated time in the evening, unless needed for operations.</p> <p>18. LED street lighting such as used in the City of Perth offers an opportunity to reduce both energy and maintenance costs, and leaves the door open to be able to dim or automatically operate them via PIR sensors.</p> <p>19. NRPG agrees with the ‘Signage’ section and would add that the use of low-height signs be used on the edge of the street to indicate the business and address, which allows the use of</p>	<p>4. The adopted Guidelines will have the same affect as if it were a local planning policy.</p> <p>5. Noted.</p> <p>6. There are currently some landowners that have an existing approval and therefore non conforming rights use and some that have no approvals. The latter are being investigated by the Shire.</p> <p>7. The community will be fully consulted as part of the planning process.</p> <p>8. For the purpose of this document the reserve status is appropriate. The Environmental Assessment for Stage 3 identifies the bush forever status of the reserve.</p> <p>9. Wildlife corridors are actively being considered for Stage 3 of the industrial area utilising the existing bridle paths.</p> <p>10. These matters will be considered as part of the structure plan design for stage 3.</p> <p>11. Noted.</p> <p>12. Noted, the Shire of Kalamunda assesses and approves all landscaping plans as a part of the planning applications, in accordance with the Local Planning Scheme and our policy. Further to that, the list of street trees to be used is provided</p>
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FF/HW Industrial Area Design Guidelines  
Submission Table

		<p>more trees in the front without obscuring the business name.</p> <p>20. The 'Natural Light and Ventilation' section should note that the use of ventilation of the roof spaces with significant openings/vents which can be left open to cool at night and easily closed in winter to conserve or lose heat.</p> <p>21. With regards to the 'Rainwater/Stormwater disposal', NRPD would like to add that pavements and surfaces which are not impervious to water should be used wherever possible.</p> <p>22. Water Use and Storage: Gas-boosted solar hot water is potentially more environmentally damaging than electric heat-pump-boosted solar hot water systems. Use of electricity generated by renewable energy from Synergy's Green Power or otherwise is far more environmentally friendly and will benefit from reducing costs.</p> <p>23. Mandate or give incentives for businesses to install their own rooftop solar PV, and/or to purchase 100% Green Power from Synergy or other electricity providers.</p> <p>24. Vandalism in industrial/commercial areas is often a problem and could be significantly reduced by the installation of video cameras. Provision of this capability would potentially be beneficial to business owners and could be reflected in their rates, but offset by savings from reduced vandalism.</p> <p>25. NRPD supports the use of trees of various sizes but consideration should be given for solar PV generation and solar-passive design, so that they do not block the prime solar catchment. The use of deciduous trees for solar-passive benefits is another option, where solar generation is not installed.</p> <p>26. Marri and Jarrah trees should be included in the suggested tree types list.</p>	<p>as a part of Appendix 2 of the Draft Design Guidelines.</p> <p>13. Noted. This will be included.</p> <p>14. New footpaths along the improved roads will be shared paths-for pedestrian/cyclist traffic..</p> <p>15. This level of detail is likely to be determined at the development application stage.</p> <p>16. Noted.</p> <p>17. Noted.</p> <p>18. Noted.</p> <p>19. Noted.</p> <p>20. Clerestory windows have been mentioned in this section in the same context.</p> <p>21. Noted.</p> <p>22. Noted.</p> <p>23. Noted.</p> <p>24. Noted.</p> <p>25. Noted.</p> <p>26. Noted.</p>
6.	Eileen Stark 13 Kiandra Way High Wycombe	<p>1. The first meeting I have attended in regard to the varies developments in High Wycombe was the development of the land from Wycombe Road, Newburn Road and Edney Road and</p>	<p>1. This comment does not relate to the Design Guidelines</p> <p>2. Industrial area south of Berkshire</p>

FF/HW Industrial Area Design Guidelines  
Submission Table

		<p>it was suggested that Kiandra Way should not be an entry point but should be broken up. But we got a speed track from the school to the football oval.</p> <p>2. I also attended a public meeting regarding the industrial development south of Berkshire Road, where we were told this was as far as the industry would go. Now we have it up to Sorenson, Milner and Maida Vale Road.</p> <p>3. At the meetings in regard to the Brickworks, it was suggested that Kalamunda Road classification should be changed, but so far nothing has happened.</p> <p>4. The last meeting regarding the proposed development, to question why we were becoming a truck shop, I was told that action was being taken to stop this type of development, but so far nothing has happened.</p> <p>5. I have noticed that people have bought and built homes and sheds, which is fine, but the type of industries that were allowed are not compatible with home owners. We have lost a lot of community minded people who have sold up and moved away because of the developments in this area.</p> <p>6. This development needs to be put on hold until the infrastructure is in place.</p>	<p>Road has been in existence for a while. Draft Design Guidelines relate to the new 3 stage Industrial Development area.</p> <p>3. This comment does not relate to the Design Guidelines.</p> <p>4. Unsure of the relevance to the proposed guidelines.</p> <p>5. Industrial Development is not likely to coexist with the residential uses for any extended period of time.</p> <p>6. Infrastructure would have to be provided before the new industrial development can occur.</p>
7.	Trevor & Sylvia Netherway 25 Stewart Road High Wycombe WA 6057	<p>1. The map colours in Figure 2 depict Stage 1 &amp; 3 as Industrial Development and not Light Industrial as we were informed.</p> <p>2. The map depicts the Poison Gully Creek as Reserve Area when in fact it is a Bush Forever Site No 45.</p> <p>3. In the Stage 3 Area there is no mention of the existing Bridle Tracks and their future use.</p> <p>4. The new businesses in Area 3 should be required to comply to these new building Regulations.</p> <p>5. Roads should be upgraded, especially Milner Road, which is not suitable for Triple and Double trucks, which use this road to get into Maida Vale Road and onto Roe Highway. This was not allowed under previous development plans for the roads.</p>	<p>1. Zoning for all 3 stages will be Industrial Development with the provision under the Local Planning Scheme specifying there will be no General or Heavy Industry allowed. The proposed zoning will allow for a range of light industrial activity.</p> <p>2. The zoning of the land is correct. Bush Forever is not a zoning rather land identified as having important vegetation that requires protection.</p> <p>3. Submission for the Metropolitan</p>



FF/HW Industrial Area Design Guidelines  
Submission Table

	<p>6. The trucks continually smash down the Keep Left signs on the intersection of Milner Road and Maida Vale Road, because they have to swing wide to negotiate getting around the corner.</p> <p>7. At the Berkshire Road end of Milner Road, trucks regularly hold up traffic, when entering and departing, by taking up both lanes.</p> <p>8. None of the existing roads in the new proposed Industrial Area are suitable for the size trucks that will frequent the area.</p> <p>9. There is no mention of the retention of habitat for the local bandicoot population and the red &amp; white tailed cockatoos that frequent the area.</p> <p>10. There are no existing street drains in Area 3, so the Shire will have to install a complete new drainage system for the area.</p> <p>11. The new industrial area needs to be policed for noise, hazardous material storage and fumes as the Shire has shown a complete lack of endeavour in these areas in the past.</p> <p>12. The draft does not mention anything about street drainage water being channelled into water compensation basins and the filtering of this water to allow for watering of street verges and water bird habitats.</p> <p>13. Not enough consideration is given to solar power panel installations on the industrial units.</p> <p>14. The building requirements in the draft cover most aspects that hopefully will give some consistency to what can be built.</p> <p>15. Our forefathers planned for noise buffer zones around airports, but unfortunately our present custodians fail in this regard, as the buffer zones are continually being eroded away to accommodate industry with little regard to the environment.</p>	<p>Regional Scheme Amendment is currently being prepared for Stage 3. Bridle trails will be considered in greater detail at the structure planning stage for that area.</p> <p>4. All development in the industrial area will be required to comply with the BCA.</p> <p>5. All roads within the industrial area will be upgraded as part of the development process.</p> <p>6. Noted. These have been reported to Main Roads WA.</p> <p>7. The Milner Road intersection with Berkshire Road will be closed off as part of the stage 1 development of the area and a new road linking Berkshire to Nadine Close will be constructed.</p> <p>8. All roads existing and proposed will be suitable for industrial traffic.</p> <p>9. That is not the intention of the design guidelines. The environmental assessment currently being prepared for stage 3 will consider all flora and fauna aspects of the site and untimely will inform the structure plan process.</p> <p>10. All road drainage will be dealt with through water sensitive urban design principles as is the case with stage 1 of the industrial area.</p> <p>11. Noted. There is legislation currently in place to control these issues.</p>
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FF/HW Industrial Area Design Guidelines  
Submission Table

			<p>12. The adopted drainage strategy for stage 1 of the industrial area requires stormwater from all roads to be contained via landscaped swales within the road verge. All lots will be required to contain their stormwater on site and not with the use of sumps. Underground storage and use of recycled water for irrigation purposes will be pursued at the development application stage.</p> <p>13. Passive solar design principles are included in the guidelines. The Shire will encourage the use of solar panels on properties.</p> <p>14. That is the intention.</p> <p>15. The proximity of the subject land to existing industrial land, arterial roads and the airport makes the land an important strategic industrial site.</p>
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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**6.2 Amendment to Local Planning Scheme No. 3 – Modifications to the Site Requirements Table**

Previous Items	Nil
Responsible Officer	Director Development & Infrastructure Services
Service Area	Development & Infrastructure Services
File Reference	PG-LPS-003
Applicant	N/A
Owner	N/A
Attachment 1	Forrestfield/High Wycombe Industrial Area Locality Plan
Attachment 2	Adopted Forrestfield/High Wycombe Industrial Area Stage 1 Structure Plan
Attachment 3	Modified Site Requirements Table

**PURPOSE**

1. To consider whether to initiate an Amendment to Local Planning Scheme No. 3 ("the Scheme") to insert new provisions into Table 2 (Site Requirements) of the Scheme for the Industrial Development Zone.

**BACKGROUND**

2. In July 2012, Council adopted the Draft Forrestfield/High Wycombe Industrial Area Structure Plan – Stage 1("the Structure Plan"). Refer to (Attachment 1 and 2).
3. The Structure Plan for Stage 1 allows for orderly and proper planning of the area by establishing the overall design provisions for the area.
4. The Structure Plan was prepared in conjunction with the Draft Industrial Design Guidelines ("the Guidelines") with the aim to promote industrial development of a high quality. A separate report on the Guidelines has been prepared for Council's consideration.
5. The objective of the Guidelines is to allow the Shire to oversee the development of a high standard, attractive, functional and sustainable industrial area, which will attract a range of business activities eager to locate within the area.

**DETAILS**

6. It is proposed that Table 2 (Site Requirements) of the Scheme be modified to include provisions for the Industrial Development zone. Refer to (Attachment 3).
7. Table 2 is proposed to be modified so as to be consistent with the principles of the Guidelines and the Structure Plan for Stage 1.

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## STATUTORY AND LEGAL IMPLICATIONS

8. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then ultimately the amendment will be determined by the Minister for Planning.
9. Table 2 (Site Requirements) of the Scheme stipulates the minimum setbacks for structures and buildings from lot boundaries, the maximum plot ratio, the maximum site coverage and minimum landscaping strip width in various zones, which cannot be varied unless otherwise approved by the Shire.
10. Clause 2.3.1 (Relationship of Local Planning Policies to the Scheme) of the Scheme stipulates that if a provision of the Policy is inconsistent with the Scheme, the Scheme prevails.

## POLICY IMPLICATIONS

### Forrestfield/High Wycombe Industrial Area Design Guidelines

11. The Guidelines aim to complement the strategic importance of the Forrestfield/High Wycombe Industrial Area's location, and to encourage design features, construction quality and landscaping of a high standard which will ensure the locality is a sought-after location for business relocation, and a prestigious industrial address.
12. To this end, the Guidelines propose the following development standards which vary from those applied to the light and general industrial zone under the Scheme:  
  
Minimum Front Setback – 20m  
Minimum Side Setback – 10m  
Minimum landscape strip – 6m (except lots fronting Sultana Road West then a 8m landscape strip shall apply).
13. The proposed front and side boundary setbacks will encourage development that is well designed with functional and efficient buildings and site layouts. The landscaping requirements will promote the development of quality attractive landscaping and streetscape and afford residents on the northern side of Sultana Road West and appropriate buffer to their properties.

## PUBLIC CONSULTATION/COMMUNICATION

14. The *Town Planning Regulations 1967* establish the procedures relating to amendments to local planning schemes. If Council decides to approve the amendment, then ultimately it will be determined by the Minister for Planning. If the matter proceeds to the Minister's determination, there is no Right of Review (appeal), irrespective of the Minister's decision.
15. Should Council initiate the amendment, the formal advertising (which will last 42 days) will involve a local public notice in a paper circulating the District, and letters being sent to all affected landowners within Stage 1 of the Forrestfield/High Wycombe Industrial Area.



## **FINANCIAL IMPLICATIONS**

16. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development Services budget.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

17. The proposed Forrestfield/High Wycombe Industrial Area is consistent with the Economic and Employment Lands Strategy – Non Heavy Industry (2012) which identifies the Forrestfield/High Wycombe Industrial Area as a priority Industrial site.
18. It is a recommendation of the Draft Local Planning Strategy that industrial development in the Forrestfield/High Wycombe Industrial area be environmentally designed to manage the potential impact on the amenity of adjacent areas.

### **Sustainability Implications**

#### Social Implications

19. A high standard of development and landscaped areas will result from the proposed Scheme provisions, which is consistent with the objectives of the Guidelines and recommendations of the Draft Local Planning Strategy.

#### Economic Implications

20. Nil.

#### Environmental Implications

21. Nil.

## **OFFICER COMMENT**

22. The proposed provisions are consistent with those stipulated in the Draft Industrial Design Guidelines and the adopted Forrestfield/High Wycombe Industrial Area Structure Plan - Stage 1, and will assist with the Shire's development control responsibilities. It is therefore recommended that Council initiates the amendment.

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<b>Voting Requirements: Simple Majority</b>
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**OFFICER RECOMMENDATION**

That Council:

1. Initiates the amendment to Local Planning Scheme No. 3, in accordance with the following:

<p>PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO.</p>
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Resolved that Council, in pursuance of Part 5 of the *Planning and Development Act 2005*, amends the above Local Planning Scheme as follows:

- (a) Modify Table 2 (Site Requirements) of Local Planning Scheme No. 3 to include provisions for the Industrial Development zone.

The amendment documents being adopted by Council and the Amendment being formally advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, without reference to the Western Australian Planning Commission.

Moved:

Seconded:

Vote:

## Attachment 1



Local Planning Scheme No. 3 Amendment  
Modifications to the Site Requirements Table  
**Forrestfield/High Wycombe Industrial Area Locality Plan**









### Attachment 3

Local Planning Scheme No. 3 Amendment  
Modifications to the Site Requirements Table  
**Modified Site Requirements Table**

Zones	SETBACKS				SITE REQUIREMENTS		
	Front	Minor Street	Side	Rear	Site Coverage	Plot Ratio	Landscaping Strip (Road Frontage)
<b>Industrial Development</b>	20m <sup>(1)</sup>	10m <sup>(2)</sup>	At the discretion of Council <sup>(3)</sup>	At the discretion of Council <sup>(3)</sup>	60%	0.5	6m 8m along properties with frontage onto Sultana Road West

<sup>(1)</sup> Berkshire Road, Milner Road and Sultana Road West

<sup>(2)</sup> All other roads (Nardine Close, Ashby Close and the future unnamed Road Reserve)

<sup>(3)</sup> Proponents of new developments are encouraged to set back buildings a minimum of 3m from both the side and rear boundaries to assist with natural light penetration and natural cross-flow ventilation.

**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**6.3 Amendment No. 48 to Local Planning Scheme No. 3 - Provisions Relating to Developer Contributions, Modifications to the Zoning Table and Additional Land Use Definitions**

Previous Items	SCM 03/2012
Responsible Officer	Director Development and Infrastructure Services
Service Area	Development and Infrastructure Services
File Reference	PG-LPS-003/048
Applicant	N/A
Owner	N/A
Attachment 1	Forrestfield/High Wycombe Industrial Area Locality Plan
Attachment 2	Modified Zoning Table (as Advertised)
Attachment 3	Developer Contribution Items
Attachment 4	Proposed Development Contribution Area Provisions (as Advertised)
Attachment 5	Modified Zoning Table
Attachment 6	Proposed Development Contribution Area Provisions
Attachment 7	Submission Table
Attachment 8	Draft Stage 1 Structure Plan

**PURPOSE**

1. To consider submissions received and whether to adopt Amendment No. 48 to Local Planning Scheme No. 3 ("the Scheme") to:
  - Insert provisions relating to developer contribution items for Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area;
  - Insert a new Industrial Development zone and land use permissibility into Table 1 (Zoning Table) of the Scheme; and
  - Include additional land use definitions into Schedule 1 (Land Use Definitions) of the Scheme.

Refer to the Forrestfield/High Wycombe Industrial Area Locality Plan (Attachment 1).

**BACKGROUND**

2. In November 2011, the Minister for Planning approved Amendment No. 34 to the Scheme to rezone the land bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, with the exception of Lots 497, 498 and 499 Sultana Road West and a portion of Lots 1 and 2 Sultana Road West, Forrestfield, from Special Rural to Industrial Development. The subject area represents Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area ("Stage 1").
3. Amendment No. 34 to the Scheme required Schedule 11 (Development Areas) of the Scheme to be modified to include the following provision so that

Stage 1 became a Development Area (DA1), thus, allowing specific developer contribution provisions to be included:

*"Part 3 – Forrestfield/ High Wycombe Industrial Area DA1.*

*In respect of the Industrial Development zone generally bounded by Berkshire Road, Roe Highway, Sultana Road West and Milner Road, identified as Development Area 1, the structure plan for this area is to ensure that general and heavy industrial uses are not permitted."*

4. In April 2012, Council resolved (Resolution SCM 03/2012) to initiate Amendment No. 48 to the Scheme.

## **DETAILS**

5. It is proposed that Table 1 (Zoning Table) of the Scheme be modified to include the Industrial Development zone and the land uses Logistics Centre and Research and Technology Premises. Refer to the Modified Zoning Table (as advertised) (Attachment 2).

6. It is proposed that the following land use definitions be included in Schedule 1 (Land Use Definitions) of the Scheme:

***"Logistics Centre -***

*means land within which all activities relating to transport, logistics, warehousing and the distribution of goods are carried out and includes premises on the same land used for:*

- (a) the work of administration or accounting;*
- (b) the provision of amenities for employees, incidental to any of those logistics operations.*

***Research and Technology Premises -***

*Means premises used for the purpose of scientific research related to electronics, computer hardware peripherals, computer software, scientific instrumentation, optics research and development, medical research and development, radio and telecommunications, fibre optics componentry, advanced materials research and development, aerospace componentry, biotechnology development, robotics development and the like which would have no impact on uses in the vicinity by reason of the emission of noise, odour, steam, smoke vapour or any other form of air pollution or the escape of any liquid or other solid wastes from the land."*

7. It is proposed that Developer Contribution Items for Stage 1 be inserted under Part 3 of Schedule 11 (Development Areas) in the Scheme. Refer to the Proposed Developer Contribution Items (Attachment 3).
8. Prior to properties being redeveloped and/or amalgamated, landowners within DA1 will be required to make a proportional contribution to the cost of common infrastructure such as road upgrades and modifications, land acquisition for road Reserves, dual use paths and costs to administer the cost sharing arrangements.

9. It is also proposed that provisions on the administration of development contribution areas be included under Clause 6.5 and Schedule 11 of the Scheme. Refer to the proposed Development Contribution Area provisions (as advertised) (Attachment 4).

## PROPOSED MODIFICATIONS TO AMENDMENT

10. Since being initiated by Council the following modifications to the amendment are proposed in addition to grammatical alterations received following legal advice on the amendment. Also refer to (Attachment 5) (Modified Zoning Table) and (Attachment 6) (Proposed Development Contribution Area Provisions):

Proposed Modification	Reason
The use Light Industry being changed from being an 'X' use (use not permitted), to a 'D' use (discretionary use) in the Industrial Development zone.	This modification is proposed so as to be consistent with the intent of the Draft Stage 1 Structure Plan, which is to allow for light industrial types of uses, as stipulated under Part 3 of Schedule 11 (Development Areas – Forrestfield/High Wycombe Industrial Area DA 1) of the Scheme.
Developer Contribution Item Table: d) Upgrading of the Berkshire Road and Dundas Road Intersection.  l) The purchase or treatment of land for environmental purposes.	This modification was required following further traffic analysis undertaken by the Shire.  Given the structure plan incorporates a bush forever site, it was considered appropriate to include the item.
<i>"6.5.4 Development contribution plan part of the Scheme</i>  <i>The development contribution plan is incorporated in Schedule <del>12</del> 11 as part of this scheme."</i>  <i>Valuation</i>  <i>6.5.12.2 The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule <del>13</del> 12."</i>	This modification is proposed based on the following legal advice obtained by the Shire:  <i>"If it is the case the Shire wishes to include both the Development Contribution Area and Development Contribution Plans in Schedule 11, clauses 6.5.4 and 6.5.12.2 will need to be amended. In clause 6.5.4 the reference to "Schedule 12" would need to be altered to "Schedule 11".</i>  <i>"...it would be too unwieldy to include the working sheet model relating to valuation within Schedule 11 along the DCA and DCP provisions, so clause 6.5.12.2 would have to be altered to change "Schedule 13" to "Schedule 12"."</i>



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## STATUTORY AND LEGAL IMPLICATIONS

11. The *Town Planning Regulations 1967* establish procedures relating to amendments to local planning schemes. If Council resolves to adopt the proposed amendment, then the amendment will be determined by the Minister for Planning.
12. Table 1 (Zoning Table) of the Scheme indicates, subject to the various provisions of the Scheme, the uses permitted in the Shire in the various zones.
13. Clause 4.3.2 of the Scheme stipulates that the symbols used in the cross reference in the Zoning Table have the following meanings:  
  
*"P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme;*  
  
*'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;*  
  
*'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4.*  
  
*'X' means a use that is not permitted by the Scheme."*
14. Schedule 11 of the Scheme describes the DAs and sets out the purpose and particular requirements that may apply to the DA.
15. Landowners are not permitted to subdivide or develop land which falls within a DA without paying the Developer Contribution in accordance with Schedule 11 of the Scheme.
16. Part 6 – Special Control Areas of the Scheme establishes Development Areas on the scheme maps as "DA" with a number and included in Schedule 11.

## POLICY IMPLICATIONS

### State Planning Policy No. 3.6 – Development Contributions for Infrastructure

17. State Planning Policy No. 3.6 – Development Contributions for Infrastructure ("the Policy") sets out the principles underlying development contributions and the form, content and process for the preparation of a development contribution plan ("DCP").
18. The Policy stipulates that DCPs do not have effect until they are incorporated into a local planning scheme and require that:  
  
*"There is adequate consultation with the owners affected by the development contribution plan and with the wider community, as part of the local planning scheme amendment process."*

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## **PUBLIC CONSULTATION/COMMUNICATION**

19. The proposal was advertised for 42 days in accordance with the provisions of the *Town Planning Regulations 1967*, which involved a local public notice in a paper circulating the District and the proposal being referred to all landowners within Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area for comment.
20. The proposed Development Contribution Area Provisions under Clause 6.5 of the Scheme were also referred to McLeod's Solicitors for review to ensure the provisions are legally compliant.
21. During the formal advertising period three non-objections and one objection were received by the Shire. Refer to the Submission Table (Attachment 7).
22. The objection raised a concern that road access to Lots 5 and 6 Ashby Close and Lot 8 Berkshire Road is not shown on the Draft Structure Plan and questioned whether the costs for providing road access to these properties had been considered.

## **FINANCIAL IMPLICATIONS**

23. Costs associated with the preparation of the document and public consultation/advertising will be met through the Development Services budget.
24. The Shire will administer costs associated with the Developer Contribution Plan and this will be included in the Developer Contribution costing to be met by the developers.
25. The financial risks associated with establishing and implementing DCAs needs to be carefully considered and appropriately managed to ensure there is no financial liability to Council.

## **STRATEGIC AND SUSTAINABILITY IMPLICATIONS**

### **Strategic Planning Implications**

26. Nil.

### **Sustainability Implications**

#### Social Implications

27. It is important that developer contributions are easily understandable by all stakeholders in terms of what they are. Infrastructure needs to be carefully designed, costed and ultimately delivered to ensure that social impacts are minimised and that benefits are maximised.
28. A timely and coordinated approach to the delivery of infrastructure can assist with meeting the needs of the community and businesses, both existing and into the future.

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### Economic Implications

29. The planned industrial area will have economic benefits for future developers given the proximity of the land to existing industrial and commercial areas and associated infrastructure and utilities. The area will also be beneficial for the Shire in respect of its economic development, creation of jobs and demand for housing in surrounding suburbs.

### Environmental Implications

30. Lots 497, 498, 499 and a portion of Lots 1 and 2 Sultana Road West are identified as Bush Forever area and therefore set aside for Regional Park. These lots have been excluded from the proposed Industrial Development zone.

### **OFFICER COMMENT**

31. The proposed modifications to the amendment proposed are consistent with legal advice obtained by the Shire, and with the intent of the Draft Stage 1 Structure Plan. Refer to the Draft Stage 1 Structure Plan (Attachment 8).
32. The modification to include Light Industry as a 'D' in the use class table is intended to allow greater flexibility in the range of land use activities that could be considered under the Industrial Development zone. Typically, this will include industries that may have a fabrication component to their operation, but importantly will not have an amenity impact in terms of noise or odour.
33. In respect to the item table identified in (Attachment 3), a modification to include the upgrading of the Berkshire Road/Dundas Road intersection has been included following further traffic analysis of the site. It should be noted that previous requests by Main Roads WA to include the Berkshire Road/ Roe Highway intersection have not been included. As stated in previous reports to Council any attempt by Main Roads to have costs associated with the upgrade of the intersection allocated to the Developer Contribution Costing would be to the detriment of the Scheme and make it financially unviable. The Shire has been working at a political level for a number of years to have the intersection fully signalised to address ongoing safety concerns. The State government has acknowledged this by allocating funds in the Budget to undertake the work without the need to seek funding from the Developer Contribution Scheme.
34. Concerns were raised during advertising on whether the costs for providing road access to Lots 5 and 6 Ashby Close and Lot 8 Berkshire Road had been considered. The Structure Plan for Stage 1 has been amended to reflect a requirement for a single shared industrial battle axe driveway to accommodate the subject lots. Further discussions will be held with the WA Planning Commission regarding the suitability of this arrangement and whether a formal road access is required. Development costs for either option will be included once a decision is made. In the event that the lots in question are amalgamated then there will be no requirement for road access.



35. Having regard to the above, it is recommended that Council adopts the amendment with the proposed modifications.

### OFFICER RECOMMENDATION

<b>Voting Requirements: Absolute Majority</b>
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That Council:

1. Notes the submissions received in response to Amendment No. 48 to Local Planning Scheme No. 3.
2. Adopts the amendment to Local Planning Scheme No. 3 with modifications, in accordance with the following:

<p style="text-align: center;">PLANNING AND DEVELOPMENT ACT 2005 RESOLUTION DECIDING TO AMEND A LOCAL PLANNING SCHEME SHIRE OF KALAMUNDA LOCAL PLANNING SCHEME NO. 3 AMENDMENT NO. 48</p>
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Resolved that Council, in pursuance of Part 5 of the Planning and Development Act 2005, amends the above Local Planning Scheme as follows:

- (a) Modify Table 1 (Zoning Table) of Local Planning Scheme No. 3 to include the Industrial Development zone, and the land uses Logistics Centre and Research and Technology Premises
- (b) Insert the following land use definitions into Schedule 1 (Land Use Definitions) of the Scheme:

***"Logistics Centre –***

*means land within which all activities relating to transport, logistics, warehousing and the distribution of goods are carried out and includes premises on the same land used for:*

- (a) *the work of administration or accounting;*
- (b) *the provision of amenities for employees, incidental to any of those logistics operations.*

***Research and Technology Premises -***

*Means premises used for the purpose of scientific research related to electronics, computer hardware peripherals, computer software, scientific instrumentation, optics research and development, medical research and development, radio and telecommunications, fibre optics componentry, advanced materials research and development, aerospace componentry, biotechnology development, robotics development and the like which would have no impact on uses in the vicinity by reason of the emission of noise, odour, steam, smoke vapour or any other form of air pollution or the escape of any liquid or other solid wastes from the land."*

- (c) Insert the Developer Contribution Items table for Stage 1 of the proposed Forrestfield/High Wycombe Industrial Area under Part 3 of Schedule 11 (Development Areas) of Local Planning Scheme No. 3.
- (d) Insert the Development Contribution Area provisions under clause 6.5 of Local Planning Scheme No. 3.

- 3. Duly executes the Amendment documents and forwards them and submissions received to the Minister for Planning requesting final approval be granted.

Moved:

Seconded:

Vote:

## Attachment 1



Local Planning Scheme No. 3 Amendment No. 48  
Provisions Relating to Developer Contributions and Modifications to the Zoning Table  
**Forrestfield/High Wycombe Industrial Area Locality Plan**



## Attachment 2

Amendment No. 48 to Local Planning Scheme No. 3 –  
Provisions Relating to Developer Contributions, Modifications to the Zoning Table and Additional Land Use Definitions  
**Modified Zoning Table (as Advertised)**

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Aged/Dependent Dwellings	D	D	P	P	A	X	X	X	D	X	X	X	X	X	X
Aged Residential Care	D	D	A	A	A	X	X	X	P	X	X	X	X	X	X
Agriculture – extensive	X	X	X	X	X	X	X	X	X	D	D	P	D	D	X
Agriculture – intensive	X	X	X	X	X	X	X	X	X	D	D	P	D	D	X
Amusement Parlour	P	P	X	X	X	D	D	X	X	X	X	X	X	X	X
Ancillary Accommodation	D	D	P	P	D	X	X	X	X	D	D	D	D	D	X
Animal Establishment	X	X	X	X	X	D	D	X	X	X	A	A	X	X	X
Animal Husbandry – intensive	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Art Gallery	P	P	D	X	A	D	X	X	D	X	X	X	A	A	X
Bed and Breakfast	D	X	D	D	A	X	X	X	X	D	D	D	D	D	X
Betting Agency	P	P	X	X	X	A	A	X	D	X	X	X	X	X	X



Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Caravan Park	X	X	X	A	X	X	X	X	X	X	X	X	X	X	X
Caretaker's Dwelling	P	P	P	X	X	P	P	P	P	X	D	D	X	X	D
Car Park	P	P	A	X	X	P	P	D	P	X	X	X	X	X	P
Chalets – short term accommodation	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X
Child Care Premises	P	P	A	A	D	X	X	X	X	X	X	X	X	X	X
Cinema/Theatre	P	P	A	X	X	X	X	X	A	X	X	X	X	X	X
Civic Use	D	D	D	A	A	D	D	X	D	X	X	D	D	D	X
Club Premises	P	P	A	A	A	P	P	X	P	X	X	A	A	X	X
Commercial Vehicle Parking	X	X	A	A	A	P	P	P	X	D	D	P	P	D	X
Community Purpose	P	P	A	A	A	A	A	A	A	X	X	X	X	X	X
Consulting Rooms	P	P	P	X	X	D	D	X	P	X	X	X	X	X	X
Convenience Store	D	D	X	X	X	D	D	P	X	X	X	X	X	X	X
Corrective Institution	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Educational Establishment	D	D	A	A	A	A	X	X	P	X	X	A	A	A	X
Family Day Care	P	P	D	D	D	X	X	X	D	D	D	D	D	D	X
Fast Food Outlet	P	P	X	X	X	D	D	A	X	X	X	X	X	X	X

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape	Rural Conservation	Industrial Development
Fuel Depot	X	X	X	X	X	P	P	P	X	X	X	D	X	X	D
Funeral Parlour	D	D	A	X	X	D	D	X	D	X	X	X	X	X	X
Garden Centre	P	P	D	X	X	P	P	X	X	X	A	X	A	X	X
Grouped Dwelling	D	D	D	D	X	X	X	X	X	X	X	X	X	X	X
Health/Fitness Centre	P	P	A	X	X	D	D	X	D	X	X	X	X	X	X
Home Business	P	P	P	A	A	X	X	X	A	X	A	A	A	X	X
Home Occupation	P	P	P	P	P	X	X	X	X	P	P	P	P	P	X
Home Store	P	P	A	A	A	X	X	X	X	X	X	X	X	X	X
Hospital	D	D	A	X	X	X	X	X	D	X	X	X	X	X	X
Hotel	D	D	X	X	X	X	X	X	A	X	X	X	X	X	X
Industry	X	X	X	X	X	D	P	X	X	X	X	X	X	X	X
Industry – Cottage	D	D	X	X	A	P	P	X	A	D	D	D	D	D	X
Industry – Extractive	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Industry – General	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X
Industry – Light	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X
Industry – Mining	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Industry – Rural	X	X	X	X	X	P	P	X	X	X	X	P	X	X	X
Industry – Service	D	D	X	X	X	P	P	D	X	X	X	X	X	X	X
Lodging House	A	A	A	A	A	X	X	X	A	X	X	A	X	X	X
Logistics Centre	X	X	X	X	X	D	D	X	X	X	X	X	X	X	D
Lunch Bar	P	P	X	X	X	P	P	X	X	X	X	X	X	X	D
Market	A	A	X	X	X	X	X	X	X	X	X	X	X	X	X
Medical Centre	P	P	A	X	X	D	X	X	D	X	X	X	X	X	X

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Motel	A	A	X	X	X	X	X	X	X	X	X	X	X	X	X
Motor Vehicle Repairs	P	P	X	X	X	P	P	P	X	X	X	X	X	X	X
Motor Vehicle, Boat or Caravan Sales	P	P	X	X	X	D	P	D	X	X	X	X	X	X	X
Motor Vehicle Wash	D	D	X	X	X	P	P	D	X	X	X	X	X	X	X
Motor Vehicle Wrecking	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X
Museum	A	A	X	X	X	X	X	X	X	X	X	X	X	X	X
Night Club	A	A	X	X	X	A	A	X	X	X	X	X	X	X	X
Office	P	P	D	X	X	D	D	X	D	X	X	X	X	X	D
Park Home Park	X	X	X	A	X	X	X	X	X	X	X	X	X	X	X
Place of Worship	D	D	A	A	A	P	P	X	P	X	X	X	X	X	X
Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X
Recreation - Private	D	D	D	X	X	P	P	X	P	X	X	X	X	X	X
Reception Centre	P	P	A	X	X	D	D	X	D	X	X	X	A	X	X
<b>Research and Technology Premises</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>D</b>	<b>D</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>D</b>
Restaurant	P	P	A	X	X	D	X	X	X	X	X	X	A	X	X
Restricted Premises	X	X	X	X	X	D	D	X	X	X	X	X	X	X	X



Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Rural Pursuit	X	X	X	X	X	X	X	X	X	D	D	P	P	D	X
Salvage Yard	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X
Service Station	P	P	X	X	X	P	P	P	X	X	X	X	X	X	X
Shop	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X
Showroom	P	P	X	X	X	P	P	X	X	X	X	X	X	X	D
Single House	D	D	P	P	P	X	X	X	D	D	P	P	P	P	X
Stable	X	X	X	X	X	X	X	X	D	P	P	P	D	D	X
Storage	X	X	X	X	X	P	P	X	X	X	X	X	X	X	D
Tavern	D	D	X	X	X	D	D	X	X	X	X	X	X	X	X
Telecommunication Infrastructure	D	D	A	A	A	P	P	D	D	D	D	D	D	D	D
Trade Display	D	D	D	X	X	D	D	X	X	X	X	X	X	X	D
Transport Depot	X	X	X	X	X	P	P	X	X	X	X	A	X	X	D
Veterinary Centre	P	P	A	X	X	P	P	X	X	X	A	A	A	X	X
Warehouse	D	D	X	X	X	P	P	X	X	X	X	X	X	X	D
Winery	X	X	X	X	X	X	X	X	X	X	X	A	D	D	X



### Attachment 3

Amendment No. 48 to Local Planning Scheme No. 3 –  
Provisions Relating to Developer Contributions, Modifications to the Zoning Table and  
Additional Land Use Definitions

#### Developer Contribution Items

Developer contributions within this structure plan are as set out in the following table:

Ref No:	DA1
Area:	Forrestfield Light Industrial Area – Stage 1 (Area bounded by Berkshire Road, Milner Road, Sultana Road West and Roe Highway)
Provisions:	<p>All landowners within DA1 shall make a proportional contribution to the cost of common infrastructure.</p> <p>The proportional contribution is to be determined in accordance with the provisions of the Shire's Development Contributions on Development Areas Planning Policy, contained in the Development Contribution Plan and as stipulated under clause 6.5 of Local Planning Scheme No. 3.</p> <p>Contributions shall be made towards the following items:</p> <ul style="list-style-type: none"> <li>a) 50% to the widening and upgrading of Berkshire Road between Dundas Road and Roe Highway, including the cycling lanes;</li> <li>b) Any required modifications to Milner Road, including the closure procedure and installation of a cul-de-sac at the intersection point with Berkshire Road;</li> <li>c) Upgrading of Nardine Close and Ashby Close;</li> <li>d) Upgrading of the Berkshire Road and Dundas Road intersection;</li> <li>e) 50% of any required modifications to Sultana Road West, including the cycling lane;</li> <li>f) Acquisition of land required for road reserve;</li> <li>g) Land required for the construction and drainage for all internal roads- Water Sensitive Urban Design principles to be incorporated as per the adopted Drainage Strategy;</li> <li>h) Full earthworks;</li> <li>i) Dual use paths (where appropriate at the discretion of the local government);</li> <li>j) Landscaping of verges and entry statements including maintenance;</li> <li>k) Fencing treatment for Bush Forever site;</li> <li>l) The purchase or treatment of land for environmental purposes;</li> <li>m) Servicing infrastructure relocation where necessary;</li> <li>n) Costs associated with the preparation of the development area framework to meet the statutory requirements and obligations;</li> <li>o) Costs to administer cost sharing arrangements – preliminary engineering drainage design and costings, valuations, annual or more frequent reviews and audits (where identified as appropriate at the</li> </ul>

	discretion of the local government) and administrative costs; and p) Costs for the repayment of any loans raised by the local government for the purchase of any land for road reserves or any of the abovementioned works.
Participants and Contributions	In accordance with the Cost Contribution Schedule adopted by the local government for DA1, which will be reviewed annually.

## Attachment 4

Local Planning Scheme No. 3 Amendment No. 48

Provisions Relating to Developer Contributions and Modifications to the Zoning Table

### **Proposed Development Contribution Area Provisions (as Advertised)**

#### **6.5 DEVELOPMENT CONTRIBUTION AREAS (DCA)**

##### **6.5.1 Interpretation**

In clause 6.5 unless the context otherwise requires –

'Administrative costs' means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

'Administrative items' means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

'Cost apportionment schedule' means a schedule prepared and distributed in accordance with clause 6.5.10.

'Cost contribution' means the contribution to cost of infrastructure and administrative costs.

'Development contribution area' means an area shown on the scheme map as DCA with a number and included in schedule 11.

'Development contribution plan' means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this clause 6 of the scheme (as incorporated in schedule 11 to this scheme).

'Development contribution plan report' means a report prepared and distributed in accordance with clause 6.5.10.

'Infrastructure' means the standard infrastructure items (services and facilities set out in appendix 1 of *State Planning Policy 3.6 Development Contributions for Infrastructure*) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure*.

'Infrastructure costs' means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

'Owner' means an owner of land that is located within a development contribution area.



#### **6.5.2 Purpose**

The purpose of having development contribution areas is to –

- (a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) ensure that the cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (c) coordinate the timely provision of infrastructure.

#### **6.5.3 Development contribution plan required**

A development contribution plan is required to be prepared for each development contribution area.

#### **6.5.4 Development contribution plan part of scheme**

The development contribution plan is incorporated in Schedule 12 as part of this scheme.

#### **6.5.5 Subdivision, strata subdivision and development**

Refuse to approve a development application solely for the reason that a development contribution plan is not in effect, and/or no contribution has been received for the provision of infrastructure.

#### **6.5.6 Guiding principles for development contribution plans**

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles –

- (a) Need and the nexus

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

- (b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

- (c) Equity

Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.



(d) Certainty

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

(e) Efficiency

Development contribution should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

(f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review

Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.

(h) Accountable

There must be accountability in the manner in which development contributions are determined and expended.

**6.5.7 Recommended content of development contribution plans**

The development contribution plan is to specify –

- (a) The development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative items to be funded through the development contribution plan;
- (c) the method of determining the cost contribution of each owner; and
- (d) the priority and timing for the provision of infrastructure.

**6.5.8 Period of developer contribution plan**

A development contribution plan shall specify the period during which it is to operate.

#### **6.5.9 Land Excluded**

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for –

- (a) roads designated under the Metropolitan Region Scheme as primary regional roads and other regional roads;
- (b) existing open public open space;
- (c) existing government primary and secondary schools; and
- (d) such other land as is set out in the development contribution plan, is to be excluded.

#### **6.5.10 Development contribution plan report and cost apportionment schedule**

- 6.5.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.
- 6.5.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.
- 6.5.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 6.5.11.

#### **6.5.11 Cost contributions based on estimates**

- 6.5.11.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.
- 6.5.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government –
  - (a) in the case of land to be acquired, in accordance with clause 6.5.12; and
  - (b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.



- 6.5.11.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested.
- 6.5.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government -
- (a) is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
  - (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.
- 6.5.11.5 Where an owner's cost contribution is adjusted under clause 6.5.11.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.
- 6.5.11.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.
- 6.5.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined -
- (a) by any method agreed between the local government and the owner; or
  - (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the local government and owner.

**6.5.12 Valuation**

- 6.5.12.1 Clause 6.3.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

- 6.5.12.2 In clause 6.5.12 -

- (a) on the basis that there are **no buildings, fences or other improvements** of a like nature in the land;
- (b) on the assumption that **any rezoning necessary** for the purpose of development has come into force; and
- (c) taking into account the **added value of all other improvements** on or appurtenant to the land.

'Value', in all other development contribution plans, means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction

for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 13. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

'Valuer' means a licensed valuer agreed by the local government and the owner, or where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

6.5.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the

6.5.12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined -

or (a) By any method agreed between the local government and the owner;

(b) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

#### **6.5.13 Liability of cost contributions**

6.5.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan contained in the provisions of clause 6.3.

6.5.13.2 An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of -

(a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;

(b) the commencement of any development on the owner's land within the development contribution area;

(c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or

(d) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

6.5.13.3 Notwithstanding clause 6.5.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or commercial building associated with that first single house or commercial building on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.



- 6.5.13.4 Where a development contribution plan expires in accordance with clause 6.3.8, an owner's liability to pay the owner's cost contribution under the development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

**6.5.14 Payment of cost contribution**

- 6.5.14.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by -

- (a) cheque or cash;
- (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
- (c) the provision of physical infrastructure;
- (d) some other method acceptable to the local government; or
- (e) any combination of these methods.

- 6.5.14.2 The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.

- 6.5.14.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing the owner of such discharge if requested by the owner.

**6.5.15 Charge on land**

- 6.5.15.1 The amount of any cost contribution for which an owner is liable under clause 6.5.13, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

- 6.5.15.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 6.5.15.1 to permit dealing and may then re-lodge the caveat to prevent further dealings.

- 6.5.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 6.5.15.

**6.5.16 Administration of funds**

- 6.5.16.1 The local government is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid.

The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.

- 6.5.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 6.5.16.1 is to be applied in the development contribution area to which the reserve account relates

- 6.5.16.3 The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts being available.

**6.5.17 Shortfall or excess in cost contributions**

- 6.5.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may -

- (a) make good the shortfall;
- (b) enter into agreements with owners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution, but nothing in paragraph 6.5.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

- 6.5.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

**6.5.18 Powers of the local government**

The local government in implementing the development contribution plan has the power to -

- (a) acquire any land or buildings within the scheme area under the provisions of the *Planning and Development Act 2005*; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance

with the law and for such purpose may make such agreements with other owners as it considers fit.

**6.5.19      Arbitration**

Subject to clauses 6.5.12.3 and 6.5.12.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.



## Attachment 5

Amendment No. 48 to Local Planning Scheme No. 3 –  
Provisions Relating to Developer Contributions, Modifications to the Zoning Table and Additional Land Use Definitions  
**Modified Zoning Table**

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Aged/Dependent Dwellings	D	D	P	P	A	X	X	X	D	X	X	X	X	X	X
Aged Residential Care	D	D	A	A	A	X	X	X	P	X	X	X	X	X	X
Agriculture – extensive	X	X	X	X	X	X	X	X	X	D	D	P	D	D	X
Agriculture – intensive	X	X	X	X	X	X	X	X	X	D	D	P	D	D	X
Amusement Parlour	P	P	X	X	X	D	D	X	X	X	X	X	X	X	X
Ancillary Accommodation	D	D	P	P	D	X	X	X	X	D	D	D	D	D	X
Animal Establishment	X	X	X	X	X	D	D	X	X	X	A	A	X	X	X
Animal Husbandry – intensive	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Art Gallery	P	P	D	X	A	D	X	X	D	X	X	X	A	A	X
Bed and Breakfast	D	X	D	D	A	X	X	X	X	D	D	D	D	D	X
Betting Agency	P	P	X	X	X	A	A	X	D	X	X	X	X	X	X

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Caravan Park	X	X	X	A	X	X	X	X	X	X	X	X	X	X	X
Caretaker's Dwelling	P	P	P	X	X	P	P	P	P	X	D	D	X	X	D
Car Park	P	P	A	X	X	P	P	D	P	X	X	X	X	X	P
Chalets – short term accommodation	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X
Child Care Premises	P	P	A	A	D	X	X	X	X	X	X	X	X	X	X
Cinema/Theatre	P	P	A	X	X	X	X	X	A	X	X	X	X	X	X
Civic Use	D	D	D	A	A	D	D	X	D	X	X	D	D	D	X
Club Premises	P	P	A	A	A	P	P	X	P	X	X	A	A	X	X
Commercial Vehicle Parking	X	X	A	A	A	P	P	P	X	D	D	P	P	D	X
Community Purpose	P	P	A	A	A	A	A	A	A	X	X	X	X	X	X
Consulting Rooms	P	P	P	X	X	D	D	X	P	X	X	X	X	X	X
Convenience Store	D	D	X	X	X	D	D	P	X	X	X	X	X	X	X
Corrective Institution	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Educational Establishment	D	D	A	A	A	A	X	X	P	X	X	A	A	A	X
Family Day Care	P	P	D	D	D	X	X	X	D	D	D	D	D	D	X
Fast Food Outlet	P	P	X	X	X	D	D	A	X	X	X	X	X	X	X

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape	Rural Conservation	Industrial Development
Fuel Depot	X	X	X	X	X	P	P	P	X	X	X	D	X	X	D
Funeral Parlour	D	D	A	X	X	D	D	X	D	X	X	X	X	X	X
Garden Centre	P	P	D	X	X	P	P	X	X	X	A	X	A	X	X
Grouped Dwelling	D	D	D	D	X	X	X	X	X	X	X	X	X	X	X
Health/Fitness Centre	P	P	A	X	X	D	D	X	D	X	X	X	X	X	X
Home Business	P	P	P	A	A	X	X	X	A	X	A	A	A	X	X
Home Occupation	P	P	P	P	P	X	X	X	X	P	P	P	P	P	X
Home Store	P	P	A	A	A	X	X	X	X	X	X	X	X	X	X
Hospital	D	D	A	X	X	X	X	X	D	X	X	X	X	X	X
Hotel	D	D	X	X	X	X	X	X	A	X	X	X	X	X	X
Industry	X	X	X	X	X	D	P	X	X	X	X	X	X	X	X
Industry – Cottage	D	D	X	X	A	P	P	X	A	D	D	D	D	D	X
Industry – Extractive	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Industry – General	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X
Industry – Light	X	X	X	X	X	P	P	X	X	X	X	X	X	X	D
Industry – Mining	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Industry – Rural	X	X	X	X	X	P	P	X	X	X	X	P	X	X	X
Industry – Service	D	D	X	X	X	P	P	D	X	X	X	X	X	X	X
Lodging House	A	A	A	A	A	X	X	X	A	X	X	A	X	X	X
Logistics Centre	X	X	X	X	X	D	D	X	X	X	X	X	X	X	D
Lunch Bar	P	P	X	X	X	P	P	X	X	X	X	X	X	X	D
Market	A	A	X	X	X	X	X	X	X	X	X	X	X	X	X
Medical Centre	P	P	A	X	X	D	X	X	D	X	X	X	X	X	X



Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Motel	A	A	X	X	X	X	X	X	X	X	X	X	X	X	X
Motor Vehicle Repairs	P	P	X	X	X	P	P	P	X	X	X	X	X	X	X
Motor Vehicle, Boat or Caravan Sales	P	P	X	X	X	D	P	D	X	X	X	X	X	X	X
Motor Vehicle Wash	D	D	X	X	X	P	P	D	X	X	X	X	X	X	X
Motor Vehicle Wrecking	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X
Museum	A	A	X	X	X	X	X	X	X	X	X	X	X	X	X
Night Club	A	A	X	X	X	A	A	X	X	X	X	X	X	X	X
Office	P	P	D	X	X	D	D	X	D	X	X	X	X	X	D
Park Home Park	X	X	X	A	X	X	X	X	X	X	X	X	X	X	X
Place of Worship	D	D	A	A	A	P	P	X	P	X	X	X	X	X	X
Public Utility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	X
Recreation - Private	D	D	D	X	X	P	P	X	P	X	X	X	X	X	X
Reception Centre	P	P	A	X	X	D	D	X	D	X	X	X	A	X	X
<b>Research and Technology Premises</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>D</b>	<b>D</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>D</b>
Restaurant	P	P	A	X	X	D	X	X	X	X	X	X	A	X	X
Restricted Premises	X	X	X	X	X	D	D	X	X	X	X	X	X	X	X

Use Classes	District Centre	Commercial	Mixed Use	Residential	Residential Bushland	Light Industry	General Industry	Service Station	Private Clubs & Inst.	Special Rural	Rural Composite	Rural Agriculture	Rural Landscape Interest	Rural Conservation	Industrial Development
Rural Pursuit	X	X	X	X	X	X	X	X	X	D	D	P	P	D	X
Salvage Yard	X	X	X	X	X	P	P	X	X	X	X	X	X	X	X
Service Station	P	P	X	X	X	P	P	P	X	X	X	X	X	X	X
Shop	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X
Showroom	P	P	X	X	X	P	P	X	X	X	X	X	X	X	D
Single House	D	D	P	P	P	X	X	X	D	D	P	P	P	P	X
Stable	X	X	X	X	X	X	X	X	D	P	P	P	D	D	X
Storage	X	X	X	X	X	P	P	X	X	X	X	X	X	X	D
Tavern	D	D	X	X	X	D	D	X	X	X	X	X	X	X	X
Telecommunication Infrastructure	D	D	A	A	A	P	P	D	D	D	D	D	D	D	D
Trade Display	D	D	D	X	X	D	D	X	X	X	X	X	X	X	D
Transport Depot	X	X	X	X	X	P	P	X	X	X	X	A	X	X	D
Veterinary Centre	P	P	A	X	X	P	P	X	X	X	A	A	A	X	X
Warehouse	D	D	X	X	X	P	P	X	X	X	X	X	X	X	D
Winery	X	X	X	X	X	X	X	X	X	X	X	A	D	D	X

## Attachment 6

Local Planning Scheme No. 3 Amendment No. 48

Provisions Relating to Developer Contributions and Modifications to the Zoning Table

### Proposed Development Contribution Area Provisions

#### 6.5 DEVELOPMENT CONTRIBUTION AREAS (DCA)

##### 6.5.1 Interpretation

In clause 6.5 unless the context otherwise requires –

'Administrative Costs' means ~~the cost of Administrative Items associated with such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the dDevelopment eContribution pPlan.~~

'Administrative items' means the administrative matters ~~and similar work~~ required to be carried out by or on behalf of the local government in order to prepare and ~~(with respect to standard infrastructure items) implement the dDevelopment eContribution pPlan,~~ including ~~(without limitation)~~ legal, accounting, planning engineering, and other professional advice.

'Cost aApportionment sSchedule' means a schedule prepared and ~~distributed made available~~ in accordance with clause 6.5.10.

'Cost eContribution' means the contribution to ~~cost of iInfrastructure Costs and aAdministrative eCosts payable by an Owner pursuant to a Development Contribution Plan.~~

'Development eContribution aArea' means an area shown on the scheme map as DCA with a number and included in schedule 11.

'Development eContribution pPlan' means a development contribution plan prepared in accordance with the provisions of ~~State Planning Policy 3.6 Development Contributions for Infrastructure and the provisions of this clause 6.5 of the scheme (as incorporated in schedule 11 to this scheme).~~

'Development eContribution pPlan eReport' means a report prepared and ~~distributed made available~~ in accordance with clause 6.5.10.

'Infrastructure' means the standard infrastructure items (services and facilities set out in appendix 1 of State Planning Policy 3.6 'Development Contributions for Infrastructure') and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other ~~infrastructure~~, services and facilities for which development contributions may reasonably be ~~required~~ ~~having regard to the objectives, scope and provisions of State Planning Policy 3.6 'Development Contributions for Infrastructure'.~~

'Infrastructure eCosts' means ~~such the costs of acquiring and constructing as are reasonably incurred for the acquisition and construction of iInfrastructure in a Developer Contribution Area.~~

'Owner' means an owner of land that is located within a dDevelopment eContribution aArea.



#### 6.5.2 Purpose

The purpose of having a Development Contribution Areas is to –

- (a) provide for the equitable sharing of the costs of Infrastructure Costs and Administrative Costs between owners;
- (b) ensure that the Cost Contributions are reasonably required as a result of the subdivision and development of land in the Development Contribution Area; and
- (c) coordinate the timely provision of Infrastructure.

#### 6.5.3 Development contribution plan required

A Development Contribution Plan is required to be prepared for each Development Contribution Area. A Development Contribution Plan is to be prepared generally in accordance with State Planning Policy 3.6 Development Contributions for Infrastructure.

#### 6.5.4 Development contribution plan part of scheme

The A Development Contribution Plan is effective once incorporated in Schedule 11 as part of this Scheme.

#### 6.5.5 Subdivision, strata subdivision and development

The local government shall not withhold its support for subdivision and strata subdivision or refuse to approve a development application solely for the reason that a Development Contribution Plan is not in effect, and/or that no contribution has been received for the provision of Infrastructure.

#### 6.5.6 Guiding principles for development contribution plans

The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles –

- (a) Need and the nexus

The need for the Infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

- (b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

(c) Equity

Development contributions should be levied from all developments within a Development Contribution Area, based on their relative contribution to need.

(d) Certainty

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

(e) Efficiency

Development contribution should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

(f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review

Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs forming part of the contributions is not reasonable.

(h) Accountable

There must be accountability in the manner in which development contributions are determined and expended.

#### 6.5.7 Recommended Content of development contribution plans

The Development Contribution Plan is to specify –

- (a) The Development Contribution Area to which the Development Contribution Plan applies;
- (b) the infrastructure and administrative items to be funded through the Development Contribution Plan;
- (c) the method of determining the Cost Contribution of each Owner; and
- (d) the priority and timing for the provision of infrastructure.

and may contain other provisions.

#### **6.5.8 Period of developer contribution plan**

A Development Contribution Plan shall specify the period during which it is to operate.

The period during which a Development Contribution Plan is to operate may be extended and the Development Contribution Plan may be amended accordingly.

#### **6.5.9 Land Excluded**

In calculating both the area of an Owner's land and the total area of land in a Development Contribution Area, the area of land provided in that Development Contribution Area for –

- (a) roads designated under the Metropolitan Region Scheme as primary regional roads and other regional roads;
- (b) existing open public open space;
- (c) existing government primary and secondary schools; and
- (d) such other land as is set out in the Development Contribution Plan, is to be excluded.

#### **6.5.10 Development contribution plan report and cost apportionment schedule**

6.5.10.1 Within 90 days of the Development Contribution Plan coming into effect, the local government is to adopt and make available a Development Contribution Plan Report and Cost Apportionment Schedule to all Owners in the Development Contribution Area.

6.5.10.2 The Development Contribution Plan report and the Cost Apportionment Schedule shall set out in detail the calculation of the Cost Contribution for each owner in the Development Contribution Area, based on the methodology provided in the Development Contribution Plan, and shall take into account any proposed staging of the development.

6.5.10.3 The Development Contribution Plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 6.5.11.

#### **6.5.11 Cost contributions based on estimates**

6.5.11.1 ~~The determination of Infrastructure Costs and Administrative Costs is~~ are to be based on amounts expended, ~~or but~~ when expenditure has not occurred, ~~it is~~ are to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.



- 6.5.11.2 Where a eCost aApportionment sSchedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government –
- (a) in the case of land to be acquired, in accordance with clause 6.5.12; and
  - (b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of iInfrastructure or aAdministrative eCosts has occurred.
- 6.5.11.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an eOwner when requested.
- 6.5.11.4 Where any eCost eContribution has been calculated on the basis of an estimated cost, the local government –
- (a) is to adjust the eCost eContribution of any eOwner in accordance with the revised estimated costs from time to time; and
  - (b) may accept a eCost eContribution, based upon estimated costs, as a final eCost eContribution and enter into an agreement with the eOwner accordingly.
- 6.5.11.5 Where an eOwner's eCost eContribution is adjusted under clause 6.5.11.4, the local government, on receiving a request in writing from an eOwner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.
- 6.5.11.6 If an eOwner objects to the amount of a eCost eContribution, the eOwner may give notice to the local government requesting a review of the amount of the eCost eContribution by an appropriate qualified person ('independent expert') agreed by the local government and the eOwner at the eOwner's expense, within 28 days after being informed of the eCost eContribution.
- 6.5.11.7 If the independent expert does not change the Cost Contribution to a figure acceptable to the Owner and the local government, either party may refer the dispute to arbitration pursuant to clause 6.5.19 within 28 days after the independent expert's determination. ~~If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined –~~
- ~~(a) by any method agreed between the local government and the owner; or~~
  - ~~(b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the Commercial Arbitration Act 1985, with the costs to be shared equally between the local government and owner.~~
- 6.5.12 Valuation**
- 6.5.12.1 ~~Clause 6.53.12~~ applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

6.5.12.2 In clause 6.5.12 –

- ~~(a) on the basis that there are no buildings, fences or other improvements of a like nature in the land;~~
- ~~(b) on the assumption that any rezoning necessary for the purpose of development has come into force; and~~
- ~~(c) taking into account the added value of all other improvements on or appurtenant to the land.~~

'Value', in all other ~~Development~~ ~~Contribution~~ ~~Plans~~, means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme as Schedule 12 ~~13~~. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

'Valuer' means a licensed valuer agreed by the local government and the owner, or where the local government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

6.5.12.3 If an ~~Owner~~ ~~Objects~~ to a valuation made by the ~~Valuer~~, the ~~Owner~~ may give notice to the local government requesting a review of the amount of the ~~Value~~, at the ~~Owner's~~ expense, within 28 days after being informed of the ~~Value~~. The review is to be carried out by another Valuer. The reviewed Value ~~supercedes the earlier Value~~.

6.5.12.4 If, following a review, the Value is not acceptable to the Owner and the local government, either party may within 28 days give notice to the other that they object to the reviewed Value. In that case ~~valuer's determination of the value of the land is still not a figure acceptable to the owner~~, the ~~Value~~ ~~is~~ is to be determined -

- or
- (a) By any method agreed between the local government and the owner;
  - (b) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

6.5.13 Liability ~~of~~ ~~for~~ cost contributions

6.5.13.1 An ~~Owner~~ must make a ~~Cost~~ ~~Contribution~~ in accordance with the applicable ~~Development~~ ~~Contribution~~ ~~Plan~~ contained in the provisions of clause 6.53.

6.5.13.2 An ~~Owner's~~ liability to pay the ~~Owner's~~ ~~Cost~~ ~~Contribution~~ to the local government arises on the earlier of -



- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the ~~any~~ subdivision of the ~~Owner's~~ land within the ~~Development Contribution Area~~;
- (b) the commencement ~~or approval~~ of any development on the ~~Owner's~~ land within the ~~Development Contribution Area~~;
- (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; or
- (d) the approval of a change or extension of use by the local government on the ~~Owner's~~ land within the ~~Development Contribution Area~~.

The liability arises only once upon the earliest of the above listed events.

6.5.13.3 Notwithstanding clause 6.5.13.2, an ~~Owner's~~ liability to pay the ~~Owner's~~ ~~Cost Contribution~~ does not arise if the ~~Owner~~ commences development of the first single house or ~~commercial building~~ ~~outbuildings~~ associated with that first single house ~~or commercial building~~ on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the ~~Development Contribution Plan~~.

6.5.13.4 Where a ~~Development Contribution Plan~~ expires in accordance with clause 6.5.8, an owner's outstanding liability to pay the ~~Owner's~~ ~~Cost Contribution~~ under the ~~Development Contribution Plan~~ shall be deemed to continue in effect and be carried over into any subsequent ~~Development Contribution Plan~~ which includes the ~~Owner's~~ land, ~~and the Owner's land remains subject to such liability until the outstanding Cost Contribution is paid.~~

6.5.13.5 Where a Development Contribution Plan expires in accordance with clause 6.5.8 before an Owner's liability to pay a Cost Contribution under clause 6.5.13.2 has been triggered, the obligation on the Owner to make a Cost Contribution pursuant to the expired Development Contribution Plan continues, and all of the provisions of clause 6.5 continue to operate with respect to that Owner, until the Owner's Liability under the expired Development Contribution Plan is discharged in full, or a new or extended Development Contribution Plan commences, whichever is earlier.

#### **6.5.14 Payment of cost contribution**

6.5.14.1 The ~~Owner~~, with the agreement of the local government, is to pay the ~~Owner's~~ ~~Cost Contribution~~ by -

- (a) cheque or cash;
- (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
- (c) the provision of physical infrastructure;
- (d) some other method acceptable to the local government; or
- (e) any combination of these methods.



6.5.14.2 The eOwner, with the agreement of the local government, may pay the eOwner's eCost eContribution in a lump sum, by instalments or in such other manner acceptable to the local government.

6.5.14.3 ~~Where an Owner has paid in full the Owner's Cost Contribution Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing the owner of such discharge if requested by the eOwner provide certification in writing of the full and final discharge of the Owner's liability under the Development Contribution Plan.~~

#### **6.5.15 Charge on land**

6.5.15.1 The amount of any eCost eContribution for which an eOwner is liable under clause 6.5.13, but has not paid, is a charge on the eOwner's land to which the eCost eContribution relates, and the local government may lodge a an absolute caveat, at the eOwner's expense, against the owner's certificate of title to that land.

6.5.15.2 The local government, at the eOwner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 6.5.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

6.5.15.3 If the eCost eContribution is paid in full, the local government, if requested to do so by the eOwner and at the expense of the eOwner, is to withdraw any caveat lodged under clause 6.5.15.

#### **6.5.16 Administration of funds**

6.5.16.1 The local government is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each eDevelopment eContribution aArea into which eCost eContributions for that eDevelopment eContribution aArea will be credited and from which all payments for the Infrastructure costs and aAdministrative costs within that eDevelopment eContribution aArea will be paid.

The purpose of such a reserve account ~~er~~ and the use of money in such a reserve account is limited to the application of funds for that eDevelopment eContribution aArea.

6.5.16.2 Interest earned on eCost eContributions credited to a reserve account in accordance with clause 6.5.16.1 is to be applied in the eDevelopment eContribution aArea to which the reserve account relates

6.5.16.3 The local government is to publish an audited annual statement of accounts for that eDevelopment eContribution aArea as soon as practicable after the audited annual statement of accounts being available.

**6.5.17 Shortfall or excess in cost contributions**

6.5.17.1 If there is a shortfall in the total of eCost eContributions when all cost contributions have been made or accounted for in a particular dDevelopment eContribution aArea, the local government may -

- (a) make good the shortfall;
- (b) enter into agreements with eOwners to fund the shortfall; or
- (c) raise loans or borrow from a financial institution, to fund the shortfall,

but nothing in this clause paragraph 6.5.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified dDevelopment eContribution aArea in that regard.

6.5.17.2 If there is an excess in funds available to the development contribution area when all eCost eContributions have been made or accounted for in a particular dDevelopment eContribution aArea, the local government is to refund the excess funds in fair proportions to contributing eOwners for that dDevelopment eContribution aArea. To the extent, if any, that it is not reasonably practicable to identify eOwners and/or their the entitled amount of any refund to which they may be entitled, any excess in funds shall be applied, to the provision of additional facilities or improvements in that dDevelopment eContribution aArea.

**6.5.18 Powers of the local government**

The local government in implementing the dDevelopment eContribution pPlan has the power to -

- (a) acquire any land or buildings within the sScheme area under the provisions of the *Planning and Development Act 2005*; and
- (b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

**6.5.19 Arbitration**

Other than disputes which are ssubject to clauses 6.5.12.3 and 6.5.12.4, any dispute between an eOwner and the local government in connection with the eCost eContribution required to be made by an eOwner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*. The costs of the arbitrator are to be shared by the Owner and the local government, but otherwise the Owner and the local government shall bear their own costs associated with the arbitration.

**Attachment 7**

**Local Planning Scheme No. 3 Amendment No. 48 –  
Provisions Relating to Developer Contributions, Modifications to the Zoning Table  
and Additional Land Use Definitions  
Submission Table**

	Details	Comment	Staff Comment
1.	D and B Kelly 17 Ashby Close FORRESTFIELD WA 6058	Objection  Road access to Lots 5 and 6 Ashby Close and Lot 8 Berkshire Road is not shown on the Draft Structure Plan, and are the costs for providing road access to these properties been considered.	The Structure Plan for Stage 1 has been amended to reflect a requirement for a single shared industrial battle axe driveway to accommodate the subject lots. Further discussions will be held with the WA Planning Commission regarding the suitability of this arrangement and whether a formal road access is required. Development costs for either option will be included once a decision is made. In the event that the lots in question are amalgamated then there will be no requirement for road access.
2.	R Staltari 137 Milner Road HIGH WYCOMBE WA 6057	No Objection	Noted.
3.	P and T Cheema 5/17 Bridge Street WILSON WA 6017	No Objection	Noted.



4.	J Harvey 303 Berkshire Road FORRESTFIELD WA 6058	No Objection	Noted.
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**Declaration of financial / conflict of interests to be recorded prior to dealing with each item.**

**6.4            CONFIDENTIAL REPORT Provided under separate cover  
Development and Disposal Proposal – 88 (Lot 106) Hale Road,  
Forrestfield**

*Reason for Confidentiality: Local Government Act 1995 S5.23(2)(c) – " a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."*

Previous Items	OCM 165/2010, OCM 29/2012 and SCM 63/2012
Responsible Officer	Director Corporate & Community Services
Service Area	Economic Property and Procurement
File Reference	PG-DEV-041
Applicant	N/A
Owner	Shire of Kalamunda
Attachment 1	Proposed Development Plan <i>Reason for Confidentiality: Local Government Act 1995 S5.23(2)(c) – " a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>
Attachment 2	Westbury Investments Financials <i>Reason for Confidentiality: Local Government Act 1995 S5.23(2)(c) – " a contract entered into, or which may be entered into, by the local government which relates to a matter to be discussed at the meeting."</i>

This item to be discussed under Point 7 of this Agenda



## **7.0 MEETING CLOSED TO THE PUBLIC**

## **8.0 CLOSURE**